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LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 21st MARCH, 1929.

Vol. I—No. 34

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Thursday, 21st March, 1929.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair.

MEMBER SWORN.

Mr. Philip Graham Rogers, C I E , M L A (Director General of Posts and Telegraphs).

SHORT NOTICE QUESTION AND ANSWER.

HOUSE SEARCHES AND ARRESTS IN DIFFERENT PARTS OF INDIA.

Pandit Motilal Nehru: Is it true, as stated in the Press, that numerous house searches and arrests have taken place in different parts of India in pursuance of orders of the Government of India, and of Local Governments? If so, will Government give the House full particulars, including the names of the persons arrested, the places searched, the offence or offences for which those arrested are to be tried, and the dates when, and the places where, the offences are alleged to have been committed, the date or dates on which sanction was accorded for these prosecutions by the Government?

What is the policy underlying the action of the Government of India in sanctioning these wholesale arrests and house searches at this particular time?

Is that policy directed against the activities of persons and organisations who carry on propaganda against the present system of Government?

Has the Government any particular organisation or organisations in view; if so, which?

The Honourable Mr. J. Crerar: Sir, under the authority of the Governor General in Council, complaint has been laid against 31 persons from various parts of India, on a charge of conspiring to deprive the King of the sovereignty of British India. The complaint was laid in the court of the District Magistrate of Meerut, and the court, in the ordinary course of law, under the Criminal Procedure Code, issued processes. In pursuance of these processes, house searches and arrests have taken place in different parts of India. With regard to these, I am unable at present

to give full particulars, as I am not yet in possession of complete information. The complaint, with the names of the persons against whom warrants have been issued, is as follows:

COMPLAINT.

King-Emperor

versus

1. Philip Spratt,
2. Benjamin Francis Bradley,
3. Ajodhya Prasad,
4. Shaukat Usmani,
5. Puran Chand Joshi,
6. Gauri Shanker,
7. L. R. Kadam,
8. Dr. V. N. Mukharji,
9. Ch. Dharamvir Singh,
10. Dharani Goswami,
11. Shih Nath Banarji,
12. Muzaffar Ahmed,
13. Gopal Basak,
14. Shamsul Huda,
15. Kishori Lal Ghosh,
16. Gopendra Chakravarty,
17. Radha Raman Mittra,
18. Sripad Amrit Dange,
19. Sachchidanand Vishnu Ghate,
20. S. H. Jhabwalla,
21. Dhondi Raj Thengdi,
22. Keshav Nilkant Joglekar,
23. Shantaram Savalram Mirajkar,
24. Raghunath Shivram Nimbkar,
25. Gangadhar Moreshwar Adhikari,
26. Motiram Gajanan Desai,
27. Arjun Atmaram Alve,
28. Gobind Ramchandra Kasle,
29. Sohan Singh Josh,
30. M. A. Majid *alias* Abdul Majid,
31. Kedar Nath Sehgal.

The complaint of Mr. R. A. Horton, Officer on special duty under the Director, Intelligence Bureau, Home Department, Government of India, showeth:

1. That there exists in Russia an organisation called the Communist International. The aim of this organisation is, by the creation of armed revolution, to overthrow all the existing forms of Government throughout

the world and to replace them by Soviet Republics subordinate to, and controlled by, the Central Soviet Administration in Moscow.

2. That the said Communist International carries on its work and propaganda through various committees, branches and organisations, controlled by, and subject to, itself, *e.g.*, the Executive Committee of the Communist International, and various sub-committees of the same, including a sub-committee concerned with Eastern and Colonial affairs (Colonial Bureau), the Communist Party of Great Britain, which is a section of the Communist International; the Red International of Labour Unions, the Pan Pacific Trade Union Secretariat, the League against Imperialism, the Young Communist League and various other bodies.

3 The ultimate objective of the said Communist International is the complete paralysis and overthrow of existing Governments in every country (including India) by means of a general strike and armed uprising. It has outlined a programme, or plan of campaign, which should be followed for the achievement of this ultimate objective. Among the methods so ordained are.

- (a) the incitement of antagonism between capital and labour;
- (b) the creation of Workers' and Peasants' Parties, Youth Leagues, Unions, etc., ostensibly for the benefit of the members thereof but in fact for the purpose of propaganda, the domination of such parties by Communists pledged to support the aims of the Communist International, and the unification of such bodies under one control subservient to the Communist International;
- (c) the introduction of fractions or nuclei of such Communists, with illegal objects as aforesaid, into existing Trade Unions, Nationalist bodies and political and other organisations, with the object of capturing the same or obtaining their support in the interests of the Communist International,
- (d) the encouragement of strikes, *hartals* and agitation;
- (e) propaganda by speeches, literature, newspapers, the celebration of anniversaries connected with the Russian revolution, etc., etc.;
- (f) the utilisation and encouragement of any movements hostile to the Government.

4 That in the year 1921 the said Communist International determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaukat Usmani and Muzaffar Ahmed entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King-Emperor of his sovereignty of British India.

5. That thereafter various persons, including the accused Phillip Spratt and Benjamin Francis Bradley, were sent to India by the Communist International, through the medium of one of its branches or organisations, and with the object of furthering the aims of the Communist International

6. That the accused named in this complaint reside at different centres throughout British India. They have conspired with each other, and with other persons known or unknown within or without British India, to deprive the King-Emperor of the sovereignty of British India, and for such purpose to use the methods and carry out the programme and plan of campaign outlined and ordained by the Communist International, and in fact they used such methods and carried out such plan of campaign with the assistance of, and financial support from, the Communist International.

7. That the accused have met and conspired together, as aforesaid, at various places within and without British India, and amongst others at Meerut, and in pursuance of such conspiracy as aforesaid, the accused formed a Workers' and Peasants' Party at Meerut and there held a conference thereof.

8. That the above named accused have committed an offence under section 121-A of the Indian Penal Code and within the jurisdiction of the Court.

It is therefore prayed that the Court will inquire into the above named complaint.

As above stated, Sir, the complaint has been laid on a charge of conspiracy under section 121-A of the Indian Penal Code in respect of which the case for the prosecution will be, that acts have been committed falling within the terms of the section quoted, at various places and at various times, extending over a period of several years. Owing to the comprehensive nature of the case, I am unable to give specific dates and places. Sanction for the prosecution was given on the 14th March and the complaint was laid on the 15th. As the case is now *sub judice*, I am at this stage unable to give further particulars which might prejudice the merits of the case. Warrants of arrest have been issued only against persons in whose case Government are advised that there is strong *prima facie* evidence, but search warrants have been issued in cases where there are good grounds for believing that important evidence in connection with the case might be recovered.

The policy of Government in this case is to bring before the courts under the ordinary law a conspiracy which, in their view, is an infringement of the ordinary law of the land, and is an attempt to carry out in India the programme of the Communist International. It is not directed against the propaganda or activities of any persons or organisations, except those which are believed to have taken an active part in this particular conspiracy.

Mr. K. Ahmed: Will Government be pleased to state how the supply of money comes to the people who are conspiring against the Government and waging war against the King, where and how the money comes from?

The Honourable Mr. J. Ozerar: That is a matter for consideration when the case comes up before the Court for trial.

Mr. K. Ahmed: Do Government propose to write a letter to Mr. Horton or to the special officer who, my Honourable friend stated, is in charge of these cases, to make inquiries and take sufficient steps to put

a stop to the supply of funds, so that these people may not take the matter any further?

The Honourable Sir Brojendra Mitter: Sir, the instructions for inquiries which the Honourable Member desires the Government to give to the special officer in charge have been given already and materials which have been collected will all be placed before the court for the court's adjudication.

Diwan Chaman Lal: Will the Honourable Member give us the names of the house or houses where the searches have been made?

The Honourable Mr. J. Crerar: I have already explained that in my reply, and I am not yet in a position to give more details.

Mr. K. Ahmed: Is it a fact, Sir, that the majority of the 31 persons who have been arrested are agriculturists or persons who have previously taken an interest in the amelioration of the condition of the poor agriculturists of this country?

The Honourable Mr. J. Crerar: I don't think that arises, Sir.

Pandit Motilal Nehru: May I ask, Sir, if these persons who have been arrested—I mean all the accused arrested or not yet arrested—do they belong to any one organisation, or do they belong to different organisations in India?

The Honourable Mr. J. Crerar: I cannot reply to questions of that kind, Sir, which relate to details which will necessarily come before the court in the ordinary process of a judicial trial.

Pandit Motilal Nehru: I simply want to know what the case of the Government is. I want to know if all those who are conspiring against the King belong to a definite organisation for that purpose?

The Honourable Mr. J. Crerar: That is a matter for the court in the usual course to adjudicate.

Pandit Motilal Nehru: But what is your case?

Mr. S. Srinivasa Iyengar: Is it the view of the Government that the Youth League and the Peasants' and Workers' Organisations are conspiracies within the meaning of section 121-A?

The Honourable Sir Brojendra Mitter: Not necessarily.

Mr. K. O. Neogy: In view of the fact that it is possible to proceed against British Communists under the existing provisions of the law, is it the intention of the Government to drop the Public Safety Bill?

The Honourable Sir Brojendra Mitter: No, Sir.

Mr. K. O. Neogy: Why not?

The Honourable Mr. J. Crerar: Because, Sir, as I have already explained in this House, the object of that Bill is essentially and primarily precautionary and preventive and not punitive.

Mr. Ram Narayan Singh: Sir, do the Government consider that only these arrests and imprisonments will make them safe?

The Honourable Mr. J. Crerar: I cannot catch the Honourable Member.

Mr. Ram Narayan Singh: May I repeat the question, Sir?

Mr. President: It is no use of repeating it.

Mr. Ram Narayan Singh: The Honourable Member has not heard it.

Mr. President: I have heard it, and it is not in order

Mr. Siddheswar Prasad Sinha: Is it a fact, Sir, that a typewriter was seized in one of the searches in Bombay, and if so, will the Honourable Member state if that typewriter was in any way concerned with any revolution or conspiracy and how it conspired?

The Honourable Mr. J. Crerar: I do not quite hear.

Mr. Jamnadas M. Mehta: Was a typewriter seized in Bombay?

The Honourable Mr. J. Crerar: I have no information on that point

Diwan Chaman Lall: May I ask the Honourable Member why Meerut was chosen as the centre?

The Honourable Mr. J. Crerar: Because, Sir, the case having been instituted by direction of the Government of India it is centrally situated and it is one of the places connected with the activities of the alleged conspiracy.

Diwan Chaman Lall: Is it a part of the case of the Government that the activities of the accused can be circumscribed to any particular place in this manner?

The Honourable Sir Brojendra Mitter: That question is one which the Court will consider if the plea is taken that a particular accused does not come within the jurisdiction of that Court

Mr. Lalchand Navalrai: Did I correctly understand the Honourable Member to say that there are certain committees in Sind connected with Communism?

The Honourable Sir Brojendra Mitter: I do not know, Sir, but the question whether the activities of any person may or may not be so connected, is again one for investigation and adjudication by the Court

Mr. Ram Narayan Singh: Sir, are the Government aware that this step, taken by the Government, is sure to endanger their existence?

The Honourable Sir Brojendra Mitter: This is an ordinary case of infringement of the ordinary law of the land, and the alleged offenders have been brought for trial before a proper tribunal

Mr. M. S. Aney: Does not the Government know from the telegrams that most of the premises that were subjected to search, were those of the Workers' and Peasants' Unions and Youth Leagues?

The Honourable Mr. J. Crerar: As I have already explained, I have no details as to what particular premises have been searched.

Diwan Chaman Lall: Will the Honourable Member kindly inform the House as to the number of arrested persons who belong to the executive council of the All-India Trade Union Congress?

The Honourable Mr. J. Crerar: I think I must ask the Honourable Member for notice of that question

Mr. Amar Nath Dutt: Will the Honourable Member be pleased to state whether the Judges and Magistrates before whom these cases are likely to come for trial have received any gentle hint from the Government how to deal with these cases?

Mr. President: Order, order.

Pandit Motilal Nehru: May I expect, Sir, that the Honourable the Home Member will put a list of the premises searched on the table as soon as he gets the information?

The Honourable Mr. J. Crerar: I may be able to convey that information to my Honourable friend as soon as I become in full possession of it.

MOTION FOR ADJOURNMENT

RAIDS AND ARRESTS IN SEVERAL PARTS OF INDIA.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban) I beg leave, Sir, to move the adjournment of the House on a definite matter of urgent public importance, namely, the policy of, and the action taken by, the Governor General in Council in sanctioning and taking steps for the wholesale raids and arrests in several parts of India simultaneously yesterday of public workers belonging to labour and peasant organisations, youth leagues and other lawful associations

I beg the House, Sir, to give me leave to move the adjournment of the House

The Honourable Sir Brojendra Mitter (Law Member): On a point of order, Sir. I submit that this motion for adjournment should not be allowed. Sir, the rules are 11 and 12. The objection is based on sub-rule (v) of rule 12, which shows that the right to move an adjournment should be subject to the following restrictions, namely,—I go on to the fifth:

“(v) the motion must not deal with a matter on which a resolution could not be moved.”

Now, as regards Resolutions, look at rule 23 (page 85)

“Every resolution shall be in the form, etc. etc., and no resolution shall be moved in regard to any of the following subjects, namely:—”

I take (iii):

“any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions.”

[Sir Brojendra Mitter.]

Sir, this must be a definite matter of urgent public importance under rule 11:

"A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President"

Now, the definite matter is stated in the notice as "the policy and action by the Governor General in Council in sanctioning and taking steps for the wholesale prosecutions and arrests in several parts of India, etc."

Pandit Motilal Nehru: That has been corrected. It is "raids", not "prosecutions"

The Honourable Mr. J. Orerar (Home Member) May I ascertain, Sir, what the precise wording of the motion is in that context?

Pandit Motilal Nehru: May I read the motion again, Sir?

"To move the adjournment of the House on a definite matter of urgent public importance namely, the policy of, and action taken by, the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests in several parts of India simultaneously yesterday, etc., etc."

The Honourable Sir Brojendra Mitter: I was submitting to you, Sir, that the definite matter really is the action of the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests. Although it is coupled with the word "policy" that does not take away the real character of the motion, which is to discuss the definite matter of these raids and arrests. By "raids" I presume the Honourable Pandit means the house searches. That is a matter which is now *sub judice*. It is a matter which is under adjudication by a Court of Law. As you have heard, Sir, from the answer which the Honourable the Home Member has just now given, a complaint was lodged before a competent Court. The competent Court took cognizance of the case and issued processes. Therefore whatever has been done by way of house searches or arrests has been done under the authority of a competent Court of Law which is in seisin of the case, and therefore my submission is that the motion infringes sub-rule (iii) of rule 23. Sir, I may draw your attention to the practice in the House of Commons, where the rule is practically the same—I am quoting from May's "Parliamentary Practice"—page 248—motions have been ruled out of order when it appeared that there had not been any departure from the ordinary administration of the law. From the answer of the Honourable the Home Member you have heard, Sir, that the ordinary processes of the law have not been departed from. There has been no such departure, and therefore I submit this motion should be ruled out of order.

Pandit Motilal Nehru: Sir, I submit that the objection taken by my Honourable friend, the Law Member, has no substance at all. It is true that any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions is not to be included in a motion of this character; but my motion relates, not to anything that is now, or can ever be, the subject of adjudication by a Court of Law having jurisdiction. As the language of the motion shows, it is the policy of, and the action taken by, the Governor General in Council in sanctioning and taking steps for wholesale raids and arrests that it is concerned with. Now this, Sir, has nothing whatever to do with the merits of any particular case. Everyone of these people who has

been arrested might be guilty or might be innocent. I do not take exception to the issuing of warrants against these people or issuing search warrants for the searching of places which have been searched. What I am asking, what I am moving the adjournment of the House for is on a different matter, *viz*, that the policy which prompted the action that has been taken in a particular Court of Law and the principle upon which that policy is based. You will be pleased to observe, Sir, that here is a case which is not on the face of it an ordinary prosecution for a crime undertaken in the ordinary way. This is a case in which the Government have deliberately adopted a policy in proceeding against a number of persons in different parts of India in a most theatrical and dramatic way. Warrants are taken out against a number of people on general allegations. Of course I do not enter into the question whether those allegations are right or wrong. What I say is, it must have been in pursuance of some policy, otherwise one would naturally expect that as cases of this character came to light they would be proceeded with from time to time in various districts or places where they come to light in the usual way. What you find here is that action is taken which, if I may be permitted to use the word, savours more of frightfulness than of an ordinary legal proceeding initiated by the Government. It, on the very face of it, seems to be intended to strike the imagination, or rather to stagger the imagination.

Mr. President: The Honourable Member is now going into the merits of the motion.

Pandit Motilal Nehru: Yes, Sir, just to explain, and only so far as is necessary to explain what is the nature of the motion. It has nothing whatever to do with any evidence or other material which has been placed before the Court or with the guilt or innocence of any of the persons concerned. All that we want to know from the Government in the discussion on this motion is its general policy in regard to political organisations in the circumstances preceding the action taken in Court. I therefore submit, Sir, that it is not open to the objection raised by my Honourable friend opposite.

The Honourable Mr. J. Crerar: Sir, I should like to make one or two observations on what has fallen from the Honourable and learned Pandit. If I understood him correctly, he took two points. The first was that the subject which he proposed that the House should be called upon to discuss was the policy of Government. It is also the action of the Government—both the policy and the action of the Government—but in relation to certain specific acts of a judicial character and by a judicial authority which have flowed from it. Now, Sir, even if the Honourable Pandit could confine the matter, as I deny that he can, to a general question of policy, it is perfectly clear that the action which has been taken in pursuance of that policy, *viz*, the laying of a complaint is now *sub judice* and the policy and action of Government could not be justified without entering into matters which must necessarily be the issues in a Court of Law. That, Sir, is my reply to the Honourable Pandit's first point. The second was that there was something extraordinary about the action of the Government, something, as I understood him to indicate, outside the scope of the general criminal law.

[Mr. J. Crerar]

On that point I must join issue with the Honourable Pandit. The action taken and the processes issued by a competent Court are undoubtedly in pursuance of the ordinary law of the land . . .

Pandit Motilal Nehru: I am not questioning that

The Honourable Mr. J. Crerar: That there may be something exceptional about the circumstances I am prepared to admit, because I trust that the existence of a conspiracy of this character is exceptional—exceptional in that sense only—but not exceptional in relation either to the state of the law in the matter, to the procedure which has been taken, and to the necessity of avoiding any prejudice to a matter which is now under the adjudication of a competent tribunal.

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadian Urban) Mr President, I submit that the matter of the motion does not come within clause (3)—“any matter which is under the adjudication of a Court of Law”—for three reasons. In the first place, the question which is sought to be raised by the motion is the wisdom or the unwisdom, the expediency or the in expediency of the Government in sanctioning a number of prosecutions under section 121-A. Now, Sir, the Court has nothing to do with the wisdom or the unwisdom, the expediency or the in expediency of the sanctions which have been so given by the Government. All that the Court can do is to decide upon the facts proved, upon the complaint, upon the evidence let in on one side and on the other, and to see whether certain persons who are accused are guilty of a particular conspiracy which is alleged against them. That is all that the Court has to decide. Of course it can decide whether the sanction was in proper form and whether it complied with the requirements of any particular Statute, the Criminal Procedure Code or any other, but it cannot decide any question as to the wisdom or the unwisdom, the statesmanship or the lack of statesmanship, the expediency or the in expediency, the propriety or the impropriety of the action of the Government, and whether their motives are merely political, in order to stifle the political advancement of the country—these things the Court has nothing to do with. Therefore, Sir, these are the things that are sought to be raised by the motion which my Honourable friend wants to raise . . .

Mr. K. Ahmed (Rajshahi Division Muhammadan Rural). But they will prejudice the Court.

Mr. S. Srinivasa Iyengar: No discussion on the question of the propriety, the wisdom or the expediency of the sanctions given by the Government will have the slightest prejudice on the accused or on their defence or on the prosecution in the Court. In fact we have not got to go into the evidence at all. What we have got to argue about here is more as to the expediency, from one point of view or the other, of the action taken, having regard to the particular circumstances just now. It is the 14th March which has been chosen for the purposes of sanction . . .

Mr. K. Ahmed: Because it was an auspicious day.

Mr. S. Srinivasa Iyengar: Thereby hangs a tale, but I will not go into the merits of this motion now.

The second point, I submit, which takes it out of this clause is this a grave situation is created—a political situation of a very formidable character is created by this policy, and it is usual in this House to discuss the situations when created, even though those situations are caused by the Government having reference to the ordinary laws of the land

Lastly, I submit, Sir, in my judgment, there is no matter of any kind now under adjudication at all. All that has happened is certain arrests and raids have been made. You do not say that a matter is under adjudication till the accused are brought up and remanded and the Court has commenced the inquiry. No such thing has happened here. A mere lodging of complaints and the issuing of arrests do not bring any matter under adjudication. It may be that, if the motion is to be made tomorrow or the day after, and these accused persons had been brought up before the Court and the inquiry has begun—it may be otherwise as to the merits of the cases, I do not say it will be—but I say, as things now stand, it is clear that there is no matter, not even the guilt of the accused, under adjudication whatever. What is the Court now adjudicating on? There is nothing whatever that is under definite adjudication now. The complaint may be proceeded with or it may not be proceeded with, we do not know. Arrests have been made; therefore technically inquiries have not begun in Court, even the guilt of the accused is not a matter under adjudication at all. I repeat, the situation created and the policy of the Government in giving the sanction, are questions not concerning these particular individuals, but involve far-reaching consequences and have wider implications and raise questions of a grave constitutional character, and of a grave political character, at the present moment, having regard to all the surrounding circumstances which it is not within my object now to mention at this stage, till leave is given. Therefore, I submit, for all these reasons the motion is entirely in order.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions Non-Muhammadan Rural) Sir, I should have thought that the Government would welcome the motion for adjournment which has been moved by my friend, Pandit Motilal Nehru. Nobody can deny that the action taken by the Government has a policy behind it, and that that policy cannot be, in the very nature of things, a matter for adjudication by a Court of Justice. The Court will deal with the particular facts and individual persons. If they have infringed the law, they will be liable to punishment; if they have not, they will be discharged; but the Court will not be expected to listen to any argument regarding the policy which undoubtedly lies behind the action which has been taken by the Government. Therefore, Sir, I submit that this is the only occasion on which the Assembly can help the Government and serve the public by inviting a discussion of the policy which lies behind the action of the Government. That policy is of a far-reaching character. The number of arrests is large and there is no knowing to what extent this number will be added to. It affects the cases of many persons; they are all our fellow-subjects and fellow-men. If they have erred, if they have joined a conspiracy to bring about by armed rebellion, the subversion of the sovereignty of the King-Emperor, they will certainly have to answer for it before a Court of Law. But

[Pandit Madan Mohan Malaviya]

from the statement made by the Honourable the Home Member, it is difficult to say, at this moment, without further discussion, that this policy of wholesale arrests is the right policy; all that is sought by this motion is an opportunity to discuss the policy; we are not permitted on the motion which is now before you, Sir, to go into the merits of the cases, into the merits of the policy. I should like to have an opportunity to say that some of us feel, and to hear what the Honourable the Home Member—and it may be the Law Member and other Members of the Government—may have to tell us on the question of this policy. We are not yet committed to opposing that policy of Government if we understand it correctly, and if we find that it has a reasonable basis behind it. But we feel at present—at least I feel—alarmed at the fact that a number of persons belonging to a number of organisations which have never yet been known to the public to have any connection with the society, the object of which is to cause an armed rebellion to subvert the authority of the King-Emperor or of the Government, have been arrested. Now, Sir, these Societies include the Youth League. The question of what has led the Government to include the members of this organisation in the category of those who have joined a conspiracy is a question

The Honourable Mr. J. Crerar: May I interrupt the Honourable Pandit? I think if the Honourable Pandit will read the complaint when it is laid on the table, he will find that the Youth organisation, to which the complaint refers, is the Young Communist League.

Pandit Madan Mohan Malaviya: My Honourable friend, Sir, has supported me with one stronger reason in support of my case. We want to have an opportunity of knowing a little more about these organisations which have been included, and against which the Government have decided to proceed. We may be able to obtain light and we may be able to throw some light upon some of the considerations which have determined this policy. One thing, however, is clear, Sir. This is the only opportunity when the policy of the Government can be discussed with any advantage to the Government and to the public. It is a matter which will cause a deep stir in the feelings of the public. The Government do not want that there should be a feeling created that their object is to create frightfulness in the minds of the youth of the country. Government want, I take it, to proceed against those individuals only, whatever their number,—I am not concerned with their number,—but I take it that they want to proceed only against those who have joined a society with the definite object of promoting, by armed rebellion, the subversion of the King's authority. If that is the object of Government, we should like to have an opportunity to discuss the policy which has prompted them to take the action they have taken in this matter, and all I ask the Government is that they should agree to this motion and not oppose it.

¹⁰ **The Honourable Sir Brojendra Mitter:** Sir, I want to

Mr. President: Does the Honourable Member wish to speak again?

The Honourable Sir Brojendra Mitter: I merely want to reply to the points which Mr. Iyengar raised

Mr. President: Then the Leader of the Opposition might say that he would like to reply to the Honourable the Law Member. I can not permit such a procedure.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural). Sir, I want to say . . .

Mr. President: Order, order The Chair is not bound to give an opportunity to every Member to speak on a point of order

I am satisfied that the matter proposed to be discussed is a definite matter of urgent public importance. It is not denied that the matter is of recent occurrence. What is contended is that the matter proposed to be discussed is *sub judice*. As I understand the Opposition Benches, they propose to discuss the policy underlying this large number of raids and arrests, and not the merits of the cases that are to come before the Court of Law for adjudication. I am quite satisfied that the matter proposed to be discussed is not *sub judice*, but I am bound to say that if, during the discussion of the motion for adjournment in the afternoon, any attempt is made to discuss the merits of any of the cases that are proposed to be lodged, the Chair will take steps to see that such discussion is not permitted. I hope Honourable Members, when discussing this matter, will confine themselves strictly to the policy underlying these arrests and not refer to the merits of the cases that are to come before the Court. I rule that the motion is in order. (Applause from the Swarajist Benches.)

I ask whether the Honourable Pandit has the leave of the Assembly to move the adjournment?

As no objection is taken, I intimate that leave is granted, and the motion will be taken up for discussion at 4 P.M.

THE INDIAN FINANCE BILL—*contd*

Mr. President: The House will now proceed with the Indian Finance Bill.

The Honourable Sir George Schuster (Finance Member). Sir, I must ask Honourable Members to recall their minds to the debate which we left last evening. It was a very long debate and ranged over a wide field of subjects. I propose to take the arguments which were advanced on the other side seriously, because although I feel, Sir, that there was,—let me say,—an element of obstruction at least in the length of some of the speeches, yet even that obstruction I must take as evidence of a serious intention. I do not propose to take the time of the House longer than is necessary, but at the same time there are certain points to which, I think, in justice to the Government, I must give a fairly full reply. The arguments to which we have listened might be classified under two headings,—specific criticisms of the Government's financial policy as the first heading, and as the second heading a general indictment of the policy of British rule in India. The line of action advocated might be also divided into two headings. In the first place, there are those who, while

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expressing criticisms of the policy of Government, or their objection to the present form of Government, yet recognise that, until a change can be introduced, the business of Government must be carried on and, therefore, having expressed their views, they are prepared to vote the Government the necessary funds with which to carry on its business. That, as my friend Mr. Fazal Ibrahim Rahimtulla has said, is the constructive line of criticism I agree with my Honourable friend. There is another line of criticism put forward by those who, as I interpret it, wish to put every obstacle in the way of Government in its present form, regardless of the consequences to the country during the interval, until a change can be brought about.

Sir, I will deal first with some of those specific objections to which I have referred. I must go back to what seems a very distant past, when my friend Mr. Rangaswami Iyengar was speaking. He made, if I may say so, an entirely relevant contribution to the debate. He dealt seriously with a number of financial points. He referred to my threat, as he called it, of new taxation, and he told me that I must revise the expenditure side of the Government first. I entirely agree with my Honourable friend,—in fact I had already expressed my agreement with those sentiments. He proceeded to indicate to me certain ways in which retrenchment was possible, and directed particular attention to what he described as the exaggerated provision which is now made for the reduction and avoidance of debt. As I have already informed this House, the question of making that provision, and the terms in which it is to be made, is a question which has to come under review this year, and, as I have also already informed this House, I propose to take this House into my confidence in that review. Therefore, Sir, I do not think it is appropriate for me to say very much about it at present. But there is one point which I should like to make, because it is an illustration of the sort of inconsistency which exists in the criticisms which are levelled against the Government. We have been told, on the one hand, that a totally inadequate provision has been made for dealing with the liability on the Post Office Cash Certificates. It has been levelled as a charge against Government that a heavy liability has been allowed to accrue under that heading, and that the House should have been told of that liability, and that means should be found for meeting it. On the other hand, we are told that, because of the scale of provision which has been made for reduction and avoidance of general debt, an unwarranted burden is being put upon the taxpayer of today. I do suggest to Honourable Members opposite that the two charges to some extent offset each other, and that in advancing criticism of the Government, they should consider the budget as a whole. The next serious point dealt with by my Honourable friend was the question of Army expenditure, and, as that was touched on by several other Honourable Members, I must say a word or two about it. It seems to have been understood that the arrangement which I described to the House, by which a sum of Rs. 10 crores is to be provided for special non-recurring expenditure, not by an additional vote, but by economies to be made under various headings by the Army within the limit of Rs. 55 crores—it seems to have been supposed, I say, that the existence of that provision indicated that the financial control of the Army expenditure was to be relaxed in some way. That is a totally false supposition. Financial control will be maintained with all the

previous stringency; there is to be no relaxation under that heading. The sum and substance of the arrangement is this. If at the end of any particular year the balance between the amount required for the normal recurrent expenditure of the Army and the sum of Rs 55 crores, which is provided in the budget, is not fully expended, because there has been some delay in executing the special programme of expenditure, that balance will not, as in the ordinary way, lapse, but it will be carried to a suspense account and be available for expenditure in the future years

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhammadan Rural): On the Army and not on the other civil services.

The Honourable Sir George Schuster: For expenditure on the approved and authorised programme, a programme which, as I say, will be strictly controlled by the Finance Department.

Then, my Honourable friend referred to the very large railway reserves, and the large sum standing to the credit of the depreciation fund, and stated that the existence of these large balances might encourage us to hope that fresh taxation need not be raised. But, unfortunately, at that point I am brought into contact with the ways and means position, and as Honourable Members know well, those balances are only book balances, they have already been fully employed in capital expenditure on the railways. Therefore, I am afraid that that suggestion in practice will not be a very helpful one.

I would turn now to the remarks of my Honourable friend Sir Purshotamdas Thakurdas, to whom I must say I am grateful for his recognition of realities in not supporting the rejection of the Finance Bill. I should like to express my agreement with him in his emphasis on the importance of economic conditions and his deprecation of over-emphasis of political conditions. I think he also performed a very valuable service in providing a conspectus of provincial finances. That is a very relevant matter, because the finances of the Central Government are closely connected with the finances of the Provincial Governments, and as Honourable Members must realise, the whole question of the distribution of revenue and heads of revenue, as between the provinces and the Central Government, is a live issue, which must come up for consideration in the near future. My Honourable friend went on to deal with the general condition of the country, and he expressed a pessimistic view of that. He criticised the general policy—or rather the absence of any general policy—on the part of the Central Government. He said, in the first place, we ought to have more information as to the general economic condition of the country. I agree with him in the abstract, but when it comes to particular measures, I do not think it is reasonable to suggest that, in the present state of Government finances, a sum of Rs 63 lakhs, which would be required according to the recommendations of the Economic Inquiry Committee, could be provided merely for the purpose of obtaining that sort of information. But I am willing to say to him that that is a matter into which I am quite prepared to inquire, and I think it is a reasonable request that we should take steps to provide as good as possible statistical information to enable the public to get a general view of the economic condition of the country. My Honourable friend, amongst other things in the policy of Government which he criticised, referred to the policy as regards alcoholic liquors. I think he suggested that, while we have been careful of the

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morals of China and have incurred a large sacrifice of revenue by restricting the exports of opium, we have not been so careful of the conditions in India, and that, in fact, we were earning an increasing revenue from the duty on alcoholic liquors, with the suggestion that the consumption of alcoholic liquors was increasing. I should like to correct that last assumption by giving the House certain figures. Taking the figures of liquor and drug shops in 1917-18 the total number of liquor shops was 54,805, and in 1926-27—which is the last year for which I have got any figures—the total number was 44,842, a decline of about 20 per cent. The drug shops too declined from 17,147 to 14,322. The figures for the consumption of alcoholic liquors also show a very remarkable decline. Taking the total consumption of alcoholic liquors and converting them into what are called London proof gallons, that is to say, giving an equivalent of alcoholic content for the various liquors, the figures are as follows.

1919-20	..	..	..	.	12,850,467
1926-27	..	..	..	..	7,593,777

That is to say, a decline of over 5 millions, or 40 per cent. . . .

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce) Can the Honourable Member oblige me by giving the figures of quantities without converting them into proof?

The Honourable Sir George Schuster: I should be very pleased to provide my Honourable friend with the figures of quantities. I have not got them with me here. I have got them in my office. But I can tell him that the quantities of every kind of alcoholic liquor have declined, except the quantities of imported beers, which show a slight increase. The figures that I have quoted, I think, give a more reliable basis of comparison than anything else.

Then I would turn to the remarks of my Honourable friend, U. Tok Kyi, who, advancing the point of view of Burma, which was supported in other quarters of the House, asked us to consider a reduction in the export duty on rice. That is a demand which I certainly view with sympathy. It was a very good point, and a point which he was quite entitled to make. But I would ask my Honourable friend to realise that, in the present state of the finances of the Central Government, it is hardly practical politics to consider that question, and that it is one of those questions which must come up when the general distribution of the heads of revenue between the Central Government and the provinces comes under review. In the meanwhile, as I indicated in an answer to a question put by the Honourable Member recently, Government are investigating the position with a view to discover whether the export duty on rice is really interfering with the trade in rice, whether it is a substantial factor in the economics of the situation.

My friend Mr. B. Das gave us some figures about Bihar and Orissa.

12 NOON. That again raises questions of distribution of heads of revenue between the Central Government and the provinces. He also referred to the banking inquiry, but that is a matter which I shall deal with later.

I now turn to the speech of my Honourable friend Mr Birla. He again gave a pessimistic view of the present state of industry. He levelled a charge against me, that I had no information to furnish to the House, to justify any optimistic view of the position, other than the figures of railway traffic and imports and exports. I have already said, in dealing with my friend Sir Purshotamdas Thakurdas' speech, that I am prepared to take steps to provide means for improving the picture that we can give of the economic situation, but, in the meanwhile, I would say that those figures, which I have given and relied on, are to some extent an indication of conditions, and I do not think that my Honourable friend supplied any other figures of a more convincing nature. He did give certain figures, and I have been at a loss to find where he got those figures from. He gave us, for example, a statement of the consumption of cloth per head in the country before the war, and he said that it was 18 yards, and that, since the war and at present, it had dropped to 10 yards, ten square yards per head. The figures are really entirely different. The actual consumption in the year 1913-14 was 16.28 yards per head and in 1926-27 it was 16.4 yards per head, and in 1927-28 17 yards per head. Therefore it stands, for the last year for which we have any recorded figures, at a figure substantially higher than the last year before the war, and, if we take the five years average before the war, the figure of consumption was 14.16 yards per head and it is 17 yards today.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions, Non-Muhammudan Rural). May I interrupt the Honourable Member? I am very thankful to him for providing all these figures. I might draw his attention to the pamphlet recently published under the auspices of the Bengal Chamber of Commerce under the title *Economic Milestones on the High Road to India's Prosperity* in which they say that it has been recently calculated that India's consumption of piece goods, which was 18 yards per head of population before the war, is now reduced to 10 yards. This is on page 15 of this pamphlet. I myself think there is a discrepancy between the figures which have been given in the Government publications and the figures given by the Bengal Chamber of Commerce, but I am quite sure that the Honourable Member would like to make investigations and find out what the discrepancy is due to.

The Honourable Sir George Schuster: I was quoting from an appendix to the Report of the Indian Tariff Board on the cotton textile industry inquiry. That Report gives figures up to the year 1925-26, and I have had compiled, on a similar basis, the figures for the years 1926-27 and 1927-28. I have no reason to doubt the accuracy of the figures procured by the Tariff Board, and I should like to have an opportunity to investigate the figures supplied by my Honourable friend. Sir, in connection with this question of cotton piece-goods, there is one other figure to which I should like to call attention, because it has a bearing on some of the arguments which we have heard in this debate to the effect that the policy in this country has been directed in the interests of British trade and contrary to the interests of India. The figures in this connection are very instructive. The total import of foreign piece-goods in the year 1899-1900 was about 2,200 million yards. In the year 1927-28 it was 1,900 million yards. At the same time the total production of piece-goods in India had increased from 1,300 million yards to 3,697 million yards. Therefore there has been an enormous increase in the home production, and a large decrease in the

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import of foreign goods. Sir, I think, one can say that, taking that very important industry, the direction of trade has been entirely in accordance with the views which my Honourable friend would support. Then, Sir, my Honourable friend suggested that, until the policy of deflation stops, there will be no chance of any improvement from other measures. I do not know, Sir, from where he gets his view that the Government is following a policy of deflation. It certainly has not been so since I have been connected with the finances of this country. Nor have I any evidence to show that deliberate deflation has been resorted to in recent years. I think that deals with most of the important questions on what I have described as specific criticisms of the Government's policy. There are other matters, but I think it will be unjustifiable for me to take up the time of the House any longer with these.

I will now turn to what I described as the general indictment of British policy in India. As regards the whole course of British policy over the 150 years of which we have records, I do not think that it will be appropriate for me to enter into any details now. That is a matter of history, and future generations will judge. What we are concerned with is the practical issue of how to carry on for the next year and the next few years. Now, on that point I should like to correct the impression which was given in speeches of Honourable Members as to my own view of the situation. It was apparently thought that I hold an extremely optimistic view of the position. I did say that I saw no reasons for forming a hasty judgment that matters were approaching a desperate situation as regards the industries of this country, but nothing that I said could justify the interpretation that I hold the view that we could now sit down in complacent satisfaction, feeling that there was nothing further for the Government to do. I took pains to express the view that I fully appreciated that the standard of living among the agricultural classes of this country was miserably low, and, so far as the Government can do anything in the matter, I certainly think that that should be one of the main lines of action which they should follow. My Honourable friend, Diwan Chaman Lall, suggested, I think, that, in days gone by, the Finance Members used to go about in disguise, *in coquito*, in order to obtain reliable first hand information as to the situation. Nothing would give me greater pleasure than to be able to do that, if my Honourable friends will allow me time to get on with my work, and therefore to have spare time to travel about the country. But I don't think I shall choose my Honourable and learned friend to accompany me. I think I will choose someone who looks less prosperous and more like a son of the soil. (Cheers and Laughter.) But, Sir, whatever our wishes may be in this matter, the limitations on what Government can do are very great. The powers of Government generally are limited, and the powers of the Government of India are particularly limited owing to special difficulties.

My Honourable friend, the learned Pandit Motilal Nehru, who, I am sorry to see, is not here, referred us, in the course of his speech, to conditions in Czecho-Slovakia and he drew the conclusion from the fact that a new country there had been able to establish self-government in a very short time from no beginnings at all, and carry on the business of Government successfully, that a similar thing could be done in India. I think it is an interesting argument and that there is much to be learned from what is happening in those countries, but I would say that there is a great deal

also to be learnt as to the differences that exist. Czecho-Slovakia is a small country, filled with educated people, with good roads and railways, containing within its borders all the coal mines and all the textile manufacturing works, which formerly served to supply the whole of the dual monarchy of Austria-Hungary. It is an exceptionally rich corner of the earth, and has exceptionally natural advantages. It is a comparatively easy problem to restore financial conditions, and to build up a system of government in a country like that. Honourable Members must realise that it is a different thing to deal with an enormous continent like India, with its vast distances, its 300 millions of people, many of whom are still in a primitive stage of civilization. Then there are special limitations for this Government in that we are only the Central Government, furnished with limited powers, and a great deal of criticism heard in the course of the debate is criticism which should more properly be directed against Provincial Governments. After all, agriculture is not only a provincial subject, but it is a transferred subject, a subject in which some measure of responsible government has been introduced, and although we can do much from the Central Government in giving a lead in a matter like agricultural research, as to which a start is going to be made, we cannot really, from the Central Government, control the direct development of agriculture. But, in spite of these difficulties, I quite agree that we must not sit down and do nothing. But there are two necessary conditions for success in any part that we can play. The first is money, about which I have already spoken, and the second I would say is co-operation. We do want the support of public opinion. Much has been said, in the course of the Honourable Members' speeches about conditions in the country. We have heard, for instance, a great deal about the miserable housing conditions in Bombay. I, Sir, welcome such criticism, and such expressions of opinion, if they are a genuine representation of public opinion, if they mean that public opinion is awakening to these things, and is ready to put pressure on Government to improve them. That is entirely a development in the right direction. But if they are merely expressions of criticism of the Government, and not intended for the amelioration of the conditions themselves, then one cannot view them with any such favour. The possibility of getting from an Assembly of this kind a genuine expression of public opinion is the possibility which gives value to the debates in this Chamber. Now, I am quite willing to accept that most of the speeches which we have heard from Honourable Members opposite did represent genuine, heartfelt expressions of public opinion. But if I am willing to give credit to Honourable Members for honesty in this matter, I trust they will give us, on these Benches, some corresponding credit. I am not sure that they always do so, and speaking from my own short experience here, I should like to deal with two special examples.

The first matter I have to refer to is this question of a banking inquiry. Now, Sir, if anyone ever, on the Government Benches, made a genuine effort to meet the popular demand for a measure which was considered to be necessary in the interests of this country, I made that effort in trying to start this banking inquiry. (Hear, hear.) I started it deliberately on lines which would enable me to say to all who were interested in the subject: "This is your show. I want you to suggest the way in which it should be done and give you as great a latitude in securing it as possible." Naturally, if I am to be responsible for the result, I must do something to see that the inquiry is properly directed, that is, directed to the right objective, and likely to obtain a useful result. The basis on which I sketched the lines of this

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inquiry was that we were to get, in the first place, a picture of local conditions and recommendations based on that picture, made by people who had first-hand knowledge of local conditions, but that, as the desire was to introduce something in the nature of new measures, it would be of the greatest value to supplement local knowledge and experience with practical experience of men who had knowledge of the development of banking systems in other countries which had attained a further stage of economic development. I cannot conceive any more reasonable idea. It was to be a blending of local knowledge with the wider experience which is not available in this country. But even that has been criticised from the opposite side. One must expect to get a certain amount of criticism. It is impossible to please everybody, but there seems to be something more than this underlying the general nature of the remarks which have been made on this question. I had attempted to get the feeling of this Assembly by consulting the Leaders of the various political parties. I know of no other means by which one could get at the feeling of the Assembly on matters of this kind. Yet I am now told that all these discussions have taken place without the knowledge of the Members on the back benches, and that if I imagined that I had got the feeling of the Assembly with me, I was very much mistaken. That is a very disheartening announcement to hear, and I say here and now, I am not prepared to go on with the banking inquiry unless I can get an assurance from the Leaders of the various Parties that I have got the feeling of the Assembly with me in this matter. (Hear, hear)

An Honourable Member: You have got it from the National Party Leader.

The Honourable Sir George Schuster: I have, and I have accepted it with great gratitude. I would have liked to have said, at the opening of my remarks, that I recognised the speech of the Leader of the National Party as being a most valuable contribution to the debate, and I should like to express my gratitude to him for having restored the debate to the level of a common humanity from which at times it had shown signs of dropping.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): On a point of personal explanation, Sir, I think the Honourable Member is referring to the speech, I made in this House. I said, and made it perfectly clear when I interrupted Pandit Malaviya, that, if Government wanted the opinion of the Parties as such, the usual procedure was that they should write to the Secretary of the Party and the Party, after discussing the matter should submit their view. If they want the personal opinion of the Leaders, I have not the least objection. I did not impute any motive either to the Leaders or to the Honourable the Finance Member who asked the Leaders for their opinion. I was given the impression that the Leaders had discussed it, and I was asked pointedly whether I knew anything about it, and therefore I had to reply that the Party, as such, did not know anything about it.

Mr. President: Has the Honourable Member got confidence in his Leader or not? In a matter of this kind, unless Honourable Members are prepared to place confidence in their Leaders, things cannot get on.

Mr. Fazal Ibrahim Rahimtulla: We have confidence in our Leaders and I have full confidence in my Leader. The question is not, whether we have confidence in our Leaders or not, but it is the question as to what is the right procedure. If Government wished to obtain the opinion of the Party, the right procedure was to do it formally.

The Honourable Sir George Schuster: I am very glad to receive the explanation of my Honourable friend. If, from ignorance of the customs, I addressed, in the first place, the Leaders of parties instead of the Secretaries of the parties, the mistake is mine.

Mr. President: I share that blame with the Honourable Member.

The Honourable Sir George Schuster: Thank you, Sir, for recalling to the House that I consulted you about the procedure. But the point of substance remains and it is this. I say it in no aggressive spirit, but I wish to make my position perfectly clear that, in proceeding with this banking inquiry, I wished to do something which I understood was the general wish of the whole of this Assembly and of the general public which is interested in these matters, and that, unless I am satisfied that I am carrying the House with me, I do not propose to proceed with the inquiry. I have not the slightest doubt that the Leaders of the various Parties will be able to give me that assurance, but I do wish, as the question has been raised by several Members on the back benches—not only my Honourable friend, but four other Members have referred to the question—as that question has been raised. I do wish to make the issue perfectly clear. Sir, this is one instance that I would refer to.

The other instance that I would take is the question of civil aviation. Now, Sir, I think all the Members of the Standing Finance Committee will bear me out that, in discussing the Government's policy on civil aviation, when we have had before us the additional demand required for this year, no one could have taken greater pains than I did to satisfy the wishes of all Members present to ascertain what policy they stood for, and to give them the assurance that, whatever business was done, would be done in a way which would satisfy their idea as to what a proper policy should be. (Hear, hear.) I entirely agreed, in general principle, with the policy which was advocated most ably by my Honourable friend Mr. Haji. I entirely agreed with him that, whatever the Government did to encourage civil aviation in this country, they should take steps to see that, where a Government subsidy was given, it should not be used to establish what might be described as a foreign monopoly, in such a way that the chances of development of Indian aviation would be prejudiced. (Hear, hear.) It has been an extremely difficult thing to discuss before the Standing Finance Committee practical business arrangements when we have not entered into definite negotiations with any particular group, and when, because we were dealing with tenders which could not be disclosed, it was not possible to make clear to the Members of the Committee the exact terms on which arrangements could possibly be made. The Members of the Standing Finance Committee were ready to appreciate the situation, and they helped me very much in arriving at a definition of certain broad lines on which they were prepared to say they would approve the grant, and were prepared to say in advance that they would approve any expenditure undertaken on those lines. In spite of that, Sir, my Honourable friend Mr. Jamnadas Mehta referred to what he understood to be the arrangement,

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and I think I may say that he referred to it with some measure of criticism. His criticism was not at all bitter, but he seemed to be uncomfortable as to what was likely to be arranged. Now, Sir, the proceedings of the Standing Finance Committee have, as a matter of fact, been fully reported in a recent number of the *Pioneer*, so that everybody knows exactly what the minutes of the last meeting were. There is nothing further to be said on the matter, but the point again that I want to make clear is this. In the case of the banking inquiry, I seem to have consulted the Leaders of Parties and there seems to be some doubt as to whether I have carried the back benches party with me. In the case of civil aviation, I have, on the Standing Finance Committee, come into touch with Members from the back benches of the various parties, and there seems to be some doubt whether I have carried the Leaders with me. I submit that makes it very difficult for anybody on these Benches, who wishes to follow a policy in accordance with the public opinion which is represented in this Assembly, it makes it very difficult for him to know how to proceed, and I submit that a great deal of the criticism which is levelled against the Government that they do not take public opinion into account is unjustified, and judging from these two instances which have come within my own short experience, I think it is possible for Honourable Members to give us, on this side, much greater assistance than they do. Now, Sir, on this subject of civil aviation, I particularly expressed the wish to Honourable Members, who were interested in the matter, that they should endeavour to get time to discuss it in connection with the Demands for Grants. I think it would have been easy to arrange for time to discuss an important matter of public policy of this kind. I quite agree that it is reasonable that Leaders on the other side should wish to take the occasion of the Demands for Grants to bring up those political issues which they consider to be of dominating importance, but surely, Sir, it is possible to arrange that their discussions should be concluded in some shorter space of time than we have experienced, and, if Honourable Members are really interested in taking advantage of opportunities for debate in this Assembly for giving guidance to a Government which wants to help them, then I think, they can do, as I said just now, a great deal more to help these Benches than they do now.

Sir, as I said, in dealing with my Honourable friend, Pandit Madan Mohan Malaviya, I hope he will allow me to take him as representing that first view of dealing with the Government's proposals which I regard as the constructive view. At least, in his own speech—I do not know what action his Party is going to take—at least in his own speech, he seemed to me to be offering constructive help, and not passing merely destructive criticism of the Government.

I should now like to turn to those who represent that other view, the view of destructive criticism. Perhaps I might take, as a typical exponent of that view, my Honourable friend, Mr. Srinivasa Iyengar, who opened this debate. (Laughter.) He told us, in opening his speech, that he was a very pleasant man. (Laughter.) Sir, it was quite unnecessary to say that. It was obvious. But, under his very pleasant manner, I found it somewhat difficult to discover any pleasant matter. (Laughter.) Indeed I found it somewhat difficult to discover any matter at all; in the sense of

material which is relevant to the discussion of the Finance Bill. But he did represent that destructive view and there are two of his main points which I should like to deal with. The first point was the criticism of the small proportion of votable expenditure in the budget. I have already dealt with one subject in this connection, and I need not go over that argument again, but I do think that, however small the proportion of votable expenditure in the budget is, it contains a large number of subjects which are of great moment to this country,—to the every day life in this country and Honourable Members have not taken the opportunity which they might have taken for discussing these subjects of great interest.

His second point was the unconstitutional action of the Government in restoring those grants which have been cut out by a majority of the Assembly. He said the Government was disregarding the will of the House, and that I myself did not know my duty. My duty was to advise the Governor General not to restore the cuts. Sir, we had a very entertaining speech from my Honourable friend the other day when we were discussing the provision of money for travelling allowance to the Executive Councillors. I understood the general tenor of his remarks to be, the keynote of what he said to be, "For heaven's sake let us get down to business, what is the use of talking, when you cannot deliver the goods. I have got no use for any sort of discussion which does not mean business". Well, Sir, what could be more unbusinesslike in my Honourable friend's proposals? Does he seriously propose that the whole of the existing organisation of Government should be scrapped without any substitute available to take its place? Surely, we on these Benches must carry on the business of the Government until some change is possible and I say that, anybody who attempts to interfere with our conduct of this business, as long as we are responsible for the administration of this country, is guilty of an irresponsible and unbusinesslike action. (Applause.) My Honourable friend asked, "What does the Government intend"? Sir, I think it is a very simple question; it is very simple to explain what the Government intends, and what the Government is going to do. I would like to go back, Sir, to that debate to which my Honourable friend made his most valuable contribution. In that debate, Sir, we heard some differences of opinion. It was not my privilege to speak in the debate, but I did have the pleasure of listening to my Honourable colleague, Sir George Rainy, and I would like to say this; that I think the Honourable Pandit Madan Mohan Malaviya was perhaps slightly unfair to my Honourable colleague in his remarks yesterday when he said that he thought my colleague was attempting to score a cheap point about the differences that were disclosed during the course of that debate. Sir, I am sure that nothing was further from his intentions. Speaking for myself—and I am sure I speak for all the Members on these Benches—I listened to that debate with a certain feeling of embarrassment. I felt, if I may say so, rather like a stranger who happens to be present at a family quarrel. Now, Sir, families do quarrel, and any stranger with decent feelings is not happy when he is present at one of those quarrels. And the last thing that we want to do is to score a cheap point out of the fact that we had been present at the quarrel. I say, Sir—and again I am sure I am speaking for all my colleagues on these Benches—that we recognise that what we have before us belongs to a single family, and that the underlying unity is much greater than any differences which may appear on the surface. But, Sir, if we are prepared to take this view, there are two observations which I should like to make, arising out of that. In

[Sir George Schuster.]

the first place, if we are prepared to look behind the differences which do exist between individual leaders on the other side and say "These are matters only on the surface, and underneath it all there is real unity of feeling in the demand for a true form of responsible Government"—if we are prepared to say that to you, I think you ought to be prepared to do the same thing to us. What I mean by this is, that you ought not to select the utterances of any particular public man in England and say to us, "You don't mean business". You ought to realise, and I say it with the greatest conviction, that underneath whatever may be said or done in England, there is an absolutely genuine determination, on the part of the British people, to honour the pledge of 1917 (*An Honourable Member*. "No, Sir") As I believe you when you say that you represent one people, I also believe most firmly that the British people mean business in this matter.

The second observation I would make is this, that although we do not want to exaggerate those differences which were disclosed, I think we are entitled to say that, as a result of the debate that we have had, "here at least there is a case for a calm and impartial inquiry". Even those who take the lowest view of the responsibility of the British Government in this matter must admit that the British Government must at least be a party to any arrangement which is made; and, if the British Government is to be a party to such an arrangement, surely it must inquire into the situation. And that is all that is being done now. I say to my Honourable friend: "That is business-like action." If you are going to undertake **important business, or enter into any arrangement** which means the transfer of enormous responsibilities from one party to the other, surely you will inquire into the situation before you do so. I can imagine nothing more business-like than that; nor can I imagine anything more unbusiness-like than that, having embarked on this inquiry, we should desist from it before it is completed, because of objections raised by some party outside.

Sir, these are all very elementary points, but it is necessary to be clear about them. And when my Honourable friend asks, "What is Government going to do?" I say to him that our duty is very clear. Our duty is to carry on with the administration of this Government as best we may, and in spite of any opposition which is offered to us, until a change is introduced. We can take no other course. Having said that, Sir, I sincerely feel that, in a great deal that we can do, there is room for co-operation between us. I have said that already, and I should like to repeat it. And that brings me to my last point today in connection with the remarks which fell from the Honourable the Leader of the Opposition. I refer not only to what he has said in this debate, but to what he has said in the course of the other discussion, where he dealt with a passage from my original budget speech. It will be remembered, Sir, that in very restrained and very respectful terms, I issued a note of warning in my budget speech—restrained because, coming as a stranger among you, I was diffident as to what I should say, respectful, because I have the greatest respect for the Honourable and learned Pandit. But, Sir, I meant what I said, and I could have said a great deal more than I did on that subject. I appealed to the Honourable Pandit and to the Members opposite to consider, in all that they did within the next few months, that anything which created a general feeling of political instability, or of disturbed

political conditions, might react very severely on, and to the great detriment of, the general masses of the country. My Honourable friend has said that he has higher objects in view. I quite agree with him that the objects which he has in view take their place in a higher scale of value than anything like mere material prosperity. I do not quarrel with him on that point. I do not say that I agree with his particular object, but I agree that the nature of the object is in a higher scale of value. But, Sir, the attainment of those objects is of no value to anybody unless there is some underlying material prosperity, or at least a certain minimum of material prosperity. Political liberty is of no value to a starving people. Now, Sir, I do not want to exaggerate the picture, but I do say this with all seriousness. I attempted, in my Budget speech, to lay before the Members of this House a true and unvarnished account of the Government's financial position. I did not disguise the fact that we have certain difficult passages to negotiate and if we cannot negotiate those passages with success, it is bound to react upon the general business of the country. Now we have heard on all sides that the general business of the country today is in a very serious condition. It is in a condition, a low condition, in which any further shock is likely to have a serious effect. I think that, if the view gets abroad that there is a likelihood of serious political disturbance ahead, it is bound to increase the difficulties of the Government and the difficulties of private business. Now I particularly do not wish to exaggerate this matter and I do not wish to say things which are going to cause a general feeling of pessimism abroad, but I get evidence every week that very large sums of Indian money are being invested in foreign securities by people who are losing confidence in Indian securities. Now that movement, if it goes on, might have disastrous effects on the business of the country. I am sure that my Honourable friend, Sir Purshotamdas Thakurdas, will bear me out in that. I do not ask him to agree with me as to what is happening, but I am sure he will bear me out in saying that, if it does happen, it would have disastrous effects on the business of the country. And although this may be only a temporary phase, and although material things are of comparatively minor importance, still, at the present stage of the country's development, I think that it would react right through the country, on everybody—agriculturists and the poorer classes employed in the mills as well. I would ask my Honourable friend to take these words seriously. I do not ask him to give up one bit of his political theory. None of us would take an unfair advantage of his co-operation. But I do appeal to him to take into account the general interests of the country; and, Sir, I would say this, that the result of co-operation in that manner would not in any way weaken the cause for which he stands. I would say rather, that it would encourage a sense and appreciation of the responsibility of those who sit on the opposite Benches—an appreciation of their responsibility throughout the country, which would hasten the realisation of that day for which we all—and I say it, Sir, without any hesitation or reservation—for which we all are equally anxious, namely, the realisation of the pledges given by the British Government in 1917. (Applause)

Mr. President: The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, be taken into consideration."

The Assembly divided:

AYES—64

Abdul Aziz, Khan Bahadur Mian.
 Abdul Matin Chaudhury, Maulvi
 Abdullah Haji Kasim, Khan Bahadur
 Haji
 Ahmed, Mr K.
 Alexander, Mr William.
 Allison, Mr F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid
 Bajpai, Mr G. S.
 Bower, Mr. E H M
 Bray, Sir Denys
 Chalmers, Mr T A
 Chatterjee, The Revd. J C.
 Coatman, Mr J
 Cocke, Sir Hugh
 Cosgrave, Mr W. A.
 Crawford, Colonel J D
 Crear, The Honourable Mr J
 Dalal, Sardar Sir Bomanji
 French, Mr J C
 Gavin-Jones, Mr T
 Ghazanfar Ali Khan, Mr
 Ghuznavi, Mr A. H
 Gidney, Lieut-Colonel H A. J.
 Gour, Sir Hari Singh
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain
 Hussain Shah, Sayyed
 Jowahir Singh, Sardar Bahadur
 Sardar.
 Keane, Mr M
 Kikabhai Piemchand, Mr
 Lall, Mr S
 Lamb, Mr W S

Lindsay, Sir Darcy
 Mitra, The Honourable Sir Bhupendra
 Nath
 Mitter, The Honourable Sir Brojendra
 Mohammad Ismail Khan, Haji
 Chaudhury
 Muhammad Nawaz Khan, Sardar.
 Mukharji, Rai Bahadur A. K
 Mukherjee, Mr S C
 Purshotamdas Thakurdas, Sir
 Rafique, Mr Muhammad
 Rahimtulla, Mr Fazal Ibrahim
 Rainy, The Honourable Sir George.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed
 Rao Mr V Panduranga
 Rau, Mr H. Shankar.
 Rau, Mr P R
 Rogers, Mr. P G.
 Roy, Mr K C.
 Roy, Rai Bahadur Tarit Bhusan
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad
 Shildy, Mr J A
 Simpson, Sir James
 Singh, Rai Bahadur S N
 Singh, Raja Raghunandan Prasad
 Stevenson, Mr H L
 Sykes, Mr E F
 Tirlok Nath, Lala
 Webb, Mr M
 Yakub, Maulvi Muhammad
 Yamin Khan, Mr Muhammad
 Young, Mr G M
 Zulfiqar Ali Khan, Nawab Sir

NOES—39

Acharya, Mr M K
 Aiyangar, Mr C Duraiswamy
 Ayyangar, Mr K V Rangaswami
 Ayyangar, Mr M. S. Se-ha
 Belvi, Mr D V
 Bhargava, Pandit Thakur Das
 Chaman Lall, Diwan
 Chunder, Mr N C
 Das, Pandit Nilakantha
 Dutt, Mr Amar Nath
 Dutta, Mr Srish Chandra
 Farookhi, Mr Abdul Latif Saheb
 Goswami, Mr T C
 Gulab Singh, Sardar
 Hans Raj, Lala
 Iyengar, Mr A Rangaswami
 Iyengar, Mr S Srinivasa
 Jogiah, Mr V. V.
 Kartar Singh, Sardar.
 Kidwai, Mr Rafi Ahmad

Mehta, Mr. Jammadas M
 Misra, Mr Dwarka Prasad
 Mitra, Mr S C
 Murtuza, Saheb Bahadur, Maulvi
 Sayyid
 Naidu, Mr. B P
 Nehru, Pandit Motilal
 Neogy, Mr K C
 Phookun, Srijut T R
 Roy, Mr B C
 Saifaz Hussun Khan, Khan
 Bahadur
 Shafee, Maulvi Mohammad
 Shervani, Mr T. A K
 Singh, Mr Gaya Prasad
 Singh, Mr Narayan Prasad
 Singh, Mr Ram Narayan.
 Sinha, Kumar Ganganand
 Sinha, Mr Rajivaranjan Prasad
 Sinha, Mr Siddheswar Prasad
 Tok Kyi. U.

The motion was adopted.

Mr. President: The House will now consider the Finance Bill clause by clause. The question is:

"That clause 2 stand part of the Bill."

Mr. Ram Narayan Singh. There are two amendments in the name of the Honourable Member—amendments Nos 2 and 3. Both relate to the same subject, and can be moved together as one amendment

Mr. Ram Narayan Singh (Chota Nagpur Division · Non-Muhammadian) · Sir, as suggested by you I sha'll put these two amendments together. My first amendment is that

'In clause 2 of the Bill, after the words, 'to impose' the words, 'or to remit' be inserted"

The second amendment is ·

"In clause 2 of the Bill, for all the words occurring after the words, 'the 1st day of April, 1929,' the following be substituted ·

'they remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section' "

The amended clause will run thus

"The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose *or to remit*, by rule made under that section, a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden be construed as if, with effect from the 1st day of April, 1929, *they remitted all such duties hitherto imposed on salt manufactured in, or imported by land into, any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section* "

Sir, before I say anything in support of these, my amendments, I would bring to the notice of the House and to the notice of the Honourable Sir George Schuster that I have tabled another amendment levying taxes on motor cars motor lorries, motor cycles and their accessories. The Honourable Sir George Schuster always requests us to assist him. I have therefore proposed that I should be fair to him, and as he is a new Finance Member, I shall not put him to any loss or any difficulties in finding out that money. After calculating the amount, I found, that, if

1 P.M. that amendment is carried, I think he will get only about 2 crores of rupees, and still he will be in need of some more money. He can, with your permission, bring in another amendment and get the amount from other sources

An Honourable Member: What are those sources ?

Mr. Ram Narayan Singh: There are several sources, and they can find out those sources for themselves.

Now, Sir, by this clause the Honourable Sir George Schuster wants a sum of Rs 634 crores 64 lakhs. In order to realise this sum, he will have to maintain a very large staff, for which he will have to spend 133 crores and 98 lakhs. The net revenue that he will get will be only 5 crores and 60 lakhs. Of course, if this amendment is carried, there will be a loss, but I have suggested a way, in order to assist the Honourable the Finance Member, by which this loss can be compensated.

[Mr. Ram Narayan Singh]

Sir, when a tax is proposed, we have to consider several things. We have to consider whether there is any necessity for such a tax; we have to consider what is the object of the tax; and we have also to consider the effects of the tax on the general mass of the population. Sir, so far as the necessity for this tax is concerned, I have already said that this necessity can be met from other sources, and if this proposal is not accepted, I think the Government can as well manage without the sum that is now asked for. Then as regards the object, I submit, Sir, that this is not pure. The poor are going to be taxed, beggars in the streets are going to be taxed, to maintain a huge army, in order to keep the people in perpetual slavery as well as to terrorise and suppress other weak nations in other parts of the world. Further, the sum which the Honourable the Finance Member asks for will be spent for maintaining the Executive Council, and we know what the Executive Council is doing. They sit and make plans and prepare programmes for repressive measures in the country, and we have heard this morning something about the raids and arrests that are being made all over India.

Now, Sir, so far as the method of taxation is concerned, as far as I have read, economists all over the world hold that direct taxation is desirable. Let everybody know what he is going to be charged, what he has to pay as a price for his liberty and safety, if there are such things in this country. Sir, the ways in which these indirect taxes are levied here are more or less akin to the ways of pickpockets, cheats and thieves, who do not allow the people to know what they are going to take from them. Besides that, if any indirect tax is to be imposed, they do not consider that only the articles of luxury should be taxed. As a matter of fact, only the articles of luxury should be taxed. Things of universal necessity ought not to be taxed, much less the articles of food. Sir, we have a very glorious past behind us before this Government came into existence. We know what were the principles which were followed in the past. The King of a country was regarded something like the Sun. Just as the Sun takes away water from very big rivers, from the high seas and oceans by process of evaporation and distributes it by process of rains equally all over the world, over mountains, over wide fields, over trees, over creepers without any distinction whatever, so the King ought to levy taxes on the richer classes; he ought to take money by process of taxation from those rich people in whose hands, by process of time, the national wealth has accumulated, and that sum ought to be distributed equally among all classes of people by way of providing to them all the advantages available from a government such as protection, liberty, justice, education, means of progress and so on and so forth. In this way, taxes were levied and spent in the past. This is the way in which taxes ought to be levied today. But this Government is not going to follow any rules like that. They will tax the rich and the poor alike. This method of taxing reminds me of a proverb that is generally known in the mofussil. "*Andher nagari chaurat Raja, take ser bhaji take ser khaja*". It means that, when an idiot reigns, there is chaos in the city, and every article of food, sweets as well as vegetables, sell at the same rate of two pice per seer. Sir, this is exactly the position in which we stand today. This Government is not going to consider, or perhaps they have not the capacity to consider, from whom money ought to be taken to keep the administration going, and they are taxing both the rich and the poor alike. My friend, Mr. Sesha Ayyangar,

said yesterday that if we make a calculation, we shall find that the poor are taxed much more heavily than the rich. Last year they remitted taxes on motor cars, tyres and such like luxuries. What does it mean? It means that they are going to help the rich people of this country; not only that, they are going to help the industries of foreign countries, and in this way drain the money of this country. Sir, I think that the Honourable Sir George Schuster appears to be a very sympathetic gentleman, and if he has got any sympathy for the poor, then he should translate the expressions which he utters with his sweet tongue, into action, and show his sympathy for the poor. I told you, Sir, that in my district, at least one-fourth of the population, for several months in the year, do not get any corn for their food. They live on roots, fruits and leaves of trees in jungles. I ask the Honourable the Finance Member, is it wisdom to tax such people? As I have said already, there should be principle and justice in taxation, and the salt tax is the blackest record in the black history of the British rule in India. I hope therefore that every Member of this House will support the amendment. With these words I commend the motion to the House. I hope that every Honourable Member, whether he be a Hindu or a Moslem, whether he belongs to this party or that party, will support my motion. Sometimes I have seen that people keep neutral. I would tell them that it is not good to be a neuter gender . . .

Mr. President: Order, order.

Mr. Ram Narayan Singh: I bow to your ruling, Sir. The straightest way ought to be followed. If the Government require money, and if Honourable Members are anxious to give them money, then let them directly support the Government and go into the Government lobby. But if they think, in their heart of hearts, that the Government is bad, if they think that millions of people require salt and that they ought not to be taxed, then they should vote with us in the lobby to which we go. One thing more and I have done. In our part of the country, there was a community known as *Noniya* community. I believe in other parts of the country also there are such communities. They used to prepare salt for the whole community in every village. By this salt duty this community has been annihilated, and the credit for that ought to go to the Government. This was a great industry. This was a cottage industry. The salt industry dates from time immemorial, from the time man came into existence, from the time that human beings began to live in India. It was a national industry and a cottage industry and the *Noniya* people used to manufacture it. With one more request to my Honourable friends to support my amendment I resume my seat.

Mr. President: Mr Acharya.

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural): Sir, ...

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) May I rise to a point of order? I presume you will allow my Honourable friend Mr. Acharya to move his amendment at this stage, and if so, I rise to a point of order. That amendment is for reducing the duty from Rs. 1-4-0 to four annas. I have got an amendment which is No. 8 on the list. It is remitting the salt duty in its entire extent.

Mr. President: That is what Mr. Ram Narayan Singh wants.

Pandit Nilakantha Das: As I understood his amendment, he remits the salt duties imposed since the days of British rule or the East India Company.

Mr. President: I am unable to differentiate between the amendment of Mr. Ram Narayan Singh and that of the Honourable Member. I thought the amendments of both the Members were the same, namely, that they wanted the remission of the tax altogether.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): May I point out, Sir, that the amendment in the name of Pandit Nilakantha Das is different from that in the name of Mr. Ram Narayan Singh? Pandit Nilakantha Das's amendment and my amendment will retain the duty of Rs. 1-4-0 upon imported salt, but will take away the duty on locally manufactured salt either wholly or to the extent of twelve annas according as it is proposed. Therefore there is a considerable difference between the amendment proposed by my Honourable friend Mr. Ram Narayan Singh and that proposed by myself and Pandit Nilakantha Das.

Mr. President: I wonder if Government accept that view.

The Honourable Sir George Schuster: I understand that the interpretation of Mr. Ram Narayan Singh's amendment is the abolition of all salt duties. I was not quite clear myself, on the wording, whether he intended only to abolish the duty on salt manufactured in India and imported by land into India, or whether he intended to abolish both the import duty on foreign salt and the excise duty. But I understand from what my Honourable friend has said now, that he intended to move the abolition of all salt duty, that is, duty on imported salt, as well as on salt manufactured in India. In that case his amendment is substantially different from that proposed by Mr. Duraiswamy Aiyangar.

Mr. President: In that case, I will ask Pandit Nilakantha Das to move his amendment.

Mr. C. Duraiswamy Aiyangar: May I make a suggestion to the Chair that all the amendments might be first moved and discussion take place thereon and ultimately the questions may be put?

Mr. President: Pandit Nilakantha Das.

Pandit Nilakantha Das: My amendment is—

“To clause 2 of the Bill the following be added at the end :

‘and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if, with effect from the 1st day of April, 1929, they remitted the duty to the extent of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section’ ”

The whole clause will then read like this as amended :

“The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than

Burma and Aden, be construed as if, with effect from the 1st day of April, 1929, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section, and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if, with effect from the 1st day of April, 1929, they remitted the duty to the extent of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section."

Section 7 of the Salt Act, 1882, provides :

"The Governor General in Council may from time to time, by rule consistent with this Act,—

- (a) impose a duty, not exceeding three rupees per maund of 82 $\frac{2}{7}$ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India; "
- (b) *(My amendment is under this)* 'reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted'."

From time to time, duties have been remitted by notification under this particular clause. In 1893, in the case of salt manufactured in the Punjab mines, the duty was remitted for salt used in glazed earthen ware. On another occasion in case of Madras salt sent out to Travancore and other places. There are other instances also quoted in the foot note of the section and clause. So, under this amendment, if it is carried, the effect will be that the duty will be levied, and that duty, so far as Indian indigenous salt is concerned, will be remitted entirely to the extent of Rs. 1-4-0. The idea is that the tariff duty on foreign salt is just as much as the excise duty on salt manufactured in India. If we have Rs. 1-4-0 as excise salt duty on salt manufactured in Bengal, say, then the tariff duty on the salt which is imported into Bengal from Liverpool or Germany will be just Rs. 1-4-0. If we say, we have no duty here, then the import duty goes, as a matter of course. When there is no imposition of excise duty, there is no standard by which we can levy a duty on imported salt. So the excise duty there technically, according to my amendment, remains untouched. That excise duty will be remitted, though technically it will be there on the Statute-book for the purpose of the tariff duty on imported salt. That is the idea of my amendment.

Sir, I was just listening to the very sweet and what I may call beautifully persuasive speech of my Honourable friend, Sir George Schuster.

Mr. President: He did not persuade you?

Pandit Nilakantha Das: It was persuasive all the same. He did, Sir, but perhaps could not persuade me. I quite realise his position and if he could carry the sweetness of his tongue to the depths of his heart, he would be the first man, before I make any speech, to prove my case, to accept my amendment and pour oil over all agitation here. For, this salt tax is the centre of the objectionable features of the Finance Bill, so far as the economic aspect of it is concerned, this salt tax is the crux of the whole problem. He may not have known it. He is new to this House. Year after year, this salt tax has been, as my friends described it, a hardy annual. I think my amendment requires little persuasion on this side of the House. I know we shall be very strong in carrying this measure, for this measure

[Pandit Nilakantha Das.]

requires little persuasion to the representatives of the people, irrespective of their political opinions. On this question, I must apologise to you, Sir. Our memories are not only long and painful, but to some utterly unpalatable and even galling.

This salt tax painfully puts me in mind of a tax, which I call mediæval, I may even call it primitive. It is, Sir, a poll tax, and as such, is full of the humiliating memory of the days and dealings of ancient slavery as well as mediæval fanaticism. I need not go into details of this historical significance of the problem for obvious reasons. Let me say this much, that it is all unseemly for a people to fight with their Government in this second quarter of the 20th century on the issue of a tax round which cling the associations of barbarism.

It is a poll tax, a capitation tax, and more so from the view-point of the Government. We know, it can be proved on authority that consumption of salt decreases, when the tax is increased. But to the Government the consumption is inelastic. What else is it then but a poll tax, a capitation tax? What else is the principle and significance of a capitation tax? True, it puts one in mind of the days of human slavery. Which Government was that that thought of poll taxes? Not an organised, not a civilised Government. A poll tax can only be thought of when the Government wants to make money out of the ignorance of the people. No Government would ever think of a poll tax. This salt-tax is a poll tax veneered over, with what the Government calls 'indirect', I mean, the principle of indirect taxation. It is a direct poll tax I say, and it is primitive in its character.

Mr. President: The Honourable Member is repeating the same thing over and over again.

Pandit Nilakantha Das: Am I? I am sorry, Sir, but this subject is so very painful.

Mr. President: That may be, but there are rules governing the debate in this House.

Pandit Nilakantha Das: I am not consciously doing it.

Mr. President: I am prepared to believe the Honourable Member!

Pandit Nilakantha Das: It is a tax which is levied on food. Rich people are not affected by this tax, although I don't say that rich people have nothing to do with the tax. It is a tax all the same, and they pay as much perhaps as the poorest man pays. It is in keeping with the character of the present Imperialistic civilization, which should no longer find its *pro sto* on the exploitation and oppression of the poor. For it has always been the function of Imperialism to exploit the property of the world where protection of such property is the weakest. The poor man is exploited and what else is this tax? It partakes of the distinct character of that Imperialistic policy of exploitation. It is a tax on human blood. The poor man is bled to find money for the coffers of the State under this tax.

I don't propose to pose as a chemist in this House, but I say salt has very much—perhaps 90 per cent.—to do with human blood, and when you tax salt you tax the poor man's blood. Poverty has been a sin for a long time and therefore it is being punished. But how much longer will it be punished like this? Whatever may be the character of my opposition to this tax, I say it should not be a source of revenue. Salt should not be a source of revenue. If you make it a source of revenue, as I remarked some time ago, you are always tempted to make it your sure reserve, a certain source of revenue. Many other taxes are there, they are not certain, but there is no uncertainty about the poor man, or even the rich man for all that, taking a pinch of salt. You are always tempted to grasp the poor man, to bleed the poor man. It engenders a sort of depravity which is not healthy to the cause of humanity. It stands to murder humanity in ignorance and weakness. This is such a tax.

You may say there is France, there is Italy, there is that Republic of Brazil. They have it, they have this salt tax. It does not matter if England does not have it. It has something else. We shall explain that later on, but big countries have it. Why should you not have it in India? There are examples in the West and in the countries Westernised. I know, but I refuse to enter into the circumstances which actuated them to put on this salt tax. I look within before I look without. What have I got to do with Brazil having a salt tax, I have not been to Brazil. You may have got many books, many accounts, this and that. Only yesterday my friend Mr. Chaman Lal's statements and mine were being questioned for our not having been personally to the tea gardens in Assam. For that reason our statements could not be regarded as authoritative. Whether authoritative or not, whether facts or not, whether reasonable or not, I don't go to question or to criticise what others are doing in this world. I ask myself what I should do, and I say, so far as I am concerned, I am not going to give any sanction whatsoever, moral or physical, for this tax on the poor man's blood.

Mr. President: Does the Honourable Member say "physical sanction"?

Pandit Nilakantha Das: Yes.

Mr. President: How can he give physical sanction?

Pandit Nilakantha Das: Physical sanction in voting. We are sometimes carried to the Lobby against our will. Sanction there is not mental or moral, I think it is physical. Is'nt it?

Mr. K. Ahmed: You will be hauled up to the police court!

Mr. President: It is not possible for the Honourable Member to finish before Lunch I suppose?

Pandit Nilakantha Das: I don't think so.

Mr. President: The House stands adjourned till a Quarter to Three

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

MOTION FOR ADJOURNMENT.

RAIDS AND ARRESTS IN SEVERAL PARTS OF INDIA.

Mr. President: I have just received the order of the Governor General for communication to the Legislative Assembly.

Mr. K. Ahmed: I anticipated it.

Mr. President:

"In exercise of the power conferred on me by sub-rule (2) of Rule 22 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby disallow the motion for adjournment, of which Pandit Motilal Nehru has this day given notice, on the ground that it cannot be moved without detriment to the public interest.

IRWIN,

Viceroy and Governor
General."

21st March, 1929.

THE INDIAN FINANCE BILL—contd.

Pandit Nilakantha Das: I was going to say, Sir, that the salt tax should not be made a source of revenue. One may very well ask if it is not to be a source of public revenue, what do you propose to have in its stead. There are two reasons for the total abolition of the entire tax on indigenous salt in India. I have got to explain them a little. One reason is that this is a measure of protection. The other day when Demands for Grants were being discussed, we carried a cut in the salt Demand on the issue that India should be made self-supporting in matters of salt. Indian salt should be made to supply the whole of India. There is a difficulty and the main difficulty is foreign imported salt. If we cannot make Indian salt, it was found out the other day—at least it was so given out—if we cannot make Indian salt very very cheap, as compared with foreign salt, we have no hope, at least for the next 20 years, of making India self-supporting so far as salt is concerned. It will be very difficult to put a very heavy protective tariff duty on imported salt. It will not look well for many reasons, salt tax being a poll tax, as I have said, it is a bad tax. it is obnoxious to tax the blood of man. Realising all this, and Indians as we are by culture, we have been all along throughout our historic tradition first members of humanity and then members of the nation, it is not for us to say, let English salt, German salt or Aden salt be taxed, not ours. It does not look well. But we are here constrained to give some protection to indigenous salt, and what is the compromise? I will give you here a compromise. The compromise is to remit the excise tax, i.e., excise duty on indigenous salt. Then, this Rs. 1-4-0 per maund remains on imported salt and that is a measure of protection.

It is said that the people in Bengal, Bihar and Orissa and some parts of Assam have to depend entirely on foreign salt. They have also been made, during the course of the last hundred years or so, to contract a kind of liking, natural or artificial, whatever it be, they have been made to contract a kind of liking for foreign salt on account of its quality. Whatever that be, I hope my Honourable friend Pandit Duraiswamy Aiyangar, I mean Mr. Duraiswamy Aiyangar

Mr. Q. Duraiswamy Aiyangar: I am a Pandit all right.

Pandit Nilakantha Das: My Honourable friend proved it home the other day that quality matters very little to the common man, even in Bengal and Assam. It is not a question of quality so much as the question of unavailability. It is not made available there. That is our position. But supposing a certain section of the people are attracted by its quality, they love foreign salt, they prefer it on account of its better quality. Admit, for the sake of argument, that it is so, I believe even the Members of Government will agree when I say that such a preference can be found only with the richer section of the community. It is quite natural that, when protection comes, the richer and the more enlightened section for that matter, who have been mainly responsible except Government, for killing the indigenous salt and for killing its market in Bengal, they ought to be made to pay for relieving the poor.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

It will be a very small burden which such people will never, I believe, grudge to pay. It will be in the fitness of things that, if any one is to be taxed in this country for the purpose of giving a certain protection to the native industry, I mean indigenous industry, it is that section of the people who can bear such a burden without difficulty. In this case, there will be practically no difficulty to them.

My second reason is that it is not possible for us to propose an abolition of tariff duty perhaps on this occasion. Had I wished to abolish the tax altogether, I am afraid, Sir, I could not have done so. It is only the duty on excise salt which I propose to remit—perhaps some of my friends do not understand the significance of it; I apologise to them as I have not perhaps been intelligible. The Bill says “salt manufactured in, or imported by land into” India and not Burma. That is, if we pass this Bill as it is, we levy a duty on indigenous salt alone. This Bill is for excise salt duty only. Our difficulty arises there. In this Bill, by no amendment shall we be able to abolish the duty on imported salt. That duty. I mean tariff duty, is, according to the Tariff Act, levied on the basis of this excise duty, which by rules made under Section 7 (2) of the Indian Salt Act, can be remitted by the Governor General in Council. Thus the duty will remain leviable for the purpose of taxing imported salt, and will not be realised on indigenous salt on account of the remission proposed here. Now, I hope, it is clear that the abolition of the salt duty altogether is forbidden ground so far as this Act is concerned, and we shall have to take the previous sanction of His Excel-

3 P.M. lency the Viceroy before we can bring in such an amendment. That amendment, as I understand it, and as far as I have experienced

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it in previous years, that amendment means the putting in of something new into the body of this Bill. If you want to do that, you cannot do that merely by means of an amendment. Two years ago, I looked into the question, and I applied for sanction to amend this particular section to that effect. I am sorry to inform my Honourable friends that I was not allowed to do so.

An Honourable Member: I am very sorry.

Pandit Nilakantha Das: There is nothing to be sorry under the present arrangement. So, I say that the question is hedged in a double difficulty. For these two reasons, I propose this particular amendment.

So far as the other countries are concerned, I have said, I refuse to enter into the circumstances prevailing there; our main concern is India, and in this connection, I confess, to a certain extent, also England. England is the home of my Honourable friends who rule over our financial and political destinies. When they think of making money out of the poor man's pinch of salt, will they look back across those 6,000 miles of the blue ocean and tell me what are the things obtaining there? Is there a salt tax in England? I know there was one some hundreds of years ago. That was in the middle ages. The world has advanced since then, and much water has since flown under the bridge of the Thames. They had a salt tax then; but as soon as the people realised that they had a certain right, a substantial right to govern themselves, as soon as their eyes opened towards the political and national future of their country, and their particular share in it, they did not brook a medieval, a primitive tax like that. Objections were raised—I could write pages and volumes, and I can read many quotations, but I refrain from doing so, because I do not propose to take much time of the House if I can avoid it. But I know, from the point of view of human health, health of industry, health of agriculture,—from all sides there were objections—so many and varied that the levy of such a duty was at last found impossible. I may here quote a small passage.

Mr D. K. Lahiri Chaudhury: (Bengal. Landholders): May I ask the Honourable Member what is meant by the health of industries and the health of agriculture?

Pandit Nilakantha Das: My Honourable friend ought to have known by this time perfectly well what is meant by the health of industries and health of agriculture. If he looks only to his own orchards and fields, and if he goes to some industrial centre or even to a village to inspect what the state of cottage industry is there, he will see that it is anything but healthy. I know he is a big zemindar; I am making no reflection on him but I am afraid he is not in touch probably with the real state of things in the villages.

Mr. D. K. Lahiri Chaudhury: I differ from my Honourable friend. I keep in close touch with my tenants.

Pandit Nilakantha Das: Then I ask him, is industry in a healthy condition? Is your agriculture in a healthy condition in the villages?

Mr. D. K. Lahiri Chaudhury: I simply asked the Honourable Member to explain what he meant by it. I did not mean to attack him.

Pandit Nilakantha Das: I have explained it sufficiently well, I think, and I hope I have been intelligible even to my Honourable friend over there. I was going to say—I am going to quote one passage to show that even in England, where I need not say anything about the income of the individual or the circumstances of living or the standard of life, which is dinned into our ears day in and day out, even in this House for imitation; but I shall quote one thing. An English salt manufacturer, giving evidence before a Select Committee on Salt in 1836, by name William Worthington, said this. A member of that Committee put the question, 'Since the repeal of the duty, has there been an increase in the demand for that sort of salt which is used for household purposes?' The answer—what is the answer? "Very considerable." And here in India the salt tax gives you, gives the Government, six, sometimes ten and sometimes even more, crores of rupees year after year. We are told it is only six annas, or four annas or something like that *per capita*, as if it were a very small thing. But the gentlemen who are sitting during the winter in this Imperial Delhi and enjoy the summer on the heights of Olympus, Simla I mean,—to such people four or six annas I know means nothing. They do not understand what a four-anna piece means. I am afraid they have not seen one, for it is not gold nor is it paper. But we, all the representatives here on this side of the House, have very painful experience of what that little thing means, that four anna piece, to our villagers. As my friend here (Diwan Chaman Lal) tells me, it is a matter of life and death for them.

I should like to remind you of the history of the salt tax in this country. We are sometimes told that the history of this tax is a very long one; I know long and painful it is under British Rule in India. But I was once surprised that even the Arthashastra of Kautilya was laid under contribution to afford an authority for this particular tax in ancient times. I felt sorry to think that there should be so much ignorance—genuine or put on, does not matter here—about Indian life, Indian culture, Indian government, Indian polity. On account of a kind of a spoon-feeding in culture, we have been gradually accustomed, innured, to things which, if we knew what our forefathers were, we should not care a tuppence for. Now what was the principle of taxation in India in those days? The land today belongs to the Government, or the zemindars—for that matter, through the zemindar it is Government's land—the land then never belonged to Government. It was never the Raj's land. When the kingship was first conceived as is illustrated in the story of Bena, there was no idea of King's proprietorship over the land. It was a willing contribution of one-sixth of the return on the land, later on supplemented by a land tax that maintained the King and maintained him to please the people and to work for the good of the people, to consider himself the real servant of the people. This was the principal theory of our Indian taxation. How can it be possible that there was a salt tax? If there was a salt tax, the men who made salt perhaps used to give one-sixth of what they made out of it to the King, probably a little land tax in addition in later days. As a matter of fact, a mendicant in the forest, who used to live by picking grains from the streets

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or cart ways had to pay one-sixth of those grains picked up, and that was the King's portion. If you look at it from the side of the King, that was a tax; but I must tell you clearly

Diwan Chaman Lall: On a point of order, Sir. There is no quorum.

(A count was taken.)

Mr. Deputy President: There is a quorum.

Pandit Nilakantha Das: In India there was no tax which the King ever imposed on the people: the basic principle of our culture, I may say, was "Duty", whereas a complete change has come over the world and now the basic principle is "Right". Now the King, as well as the people, are always demanding of each other—the King says "Give me my tax", the people say, "Give us our rights of representation and of shaping the state policy." "No representation, no taxation". But in ancient days there was no such struggle for existence or for kingship; there was no oppression of the people by the King, and the people did not feel that they should take away anything called power from the King. That was the culture then, the smooth working, the dovetailing of each other's interests, and in such an arrangement, the salt tax must be impossible. Then what is the meaning of quoting Kautilya to prove the ancient history of the salt tax?

Mr. M. S. Aney (Berar Representative): Why does the Honourable Member not refer to the historic fact that the sage Agastya was the first Aryan to give free sea salt to the people of this country?

Pandit Nilakantha Das: My gallant Mahratta friend knows these matters better than I do. he is proud of the heritage of the culture of Agastya, who went to his part of the country never to return to Northern India. We believe he is still there guiding their destinies and rising up year after year in the Autumn. But it was he who gave free salt; he went to the South, and the allegorical story is that he made salt out of the sea and before that, as I shall just come to it, the people were making salt from the earth. I am just coming to that.

It is during the Muhammadan period we are told that there was a salt tax; but what was that? $2\frac{1}{2}$ to 5 per cent. Was it a tax? I cannot say what it actually was. Perhaps just as the produce of the land was taxed, so was the produce of the sea, or the land which produced salt. It was like a common tax, an ordinary tax; it was no salt tax, it was no poll tax, it was no capitation tax; that is what I want to impress upon the attention of the House. It was $2\frac{1}{2}$ to 5 per cent. Now, will any one compare the percentage of the present salt tax. What is the present percentage? 1,000, 1,200, is that the proper calculation? It will come to even more, for the salt price is sometimes 1a. 6p. whereas the tax is Rs. 1-4. According to the proper rule of three calculation, it comes to how much? 1,600 per cent. Am I right? And during the Muhammadan times it was $2\frac{1}{2}$ to 5 per cent. I take it out of reports written by Englishmen—authentic reports; but I am sorry I have not got them to quote from. Was that a tax at all?

If you say what is the character of the salt tax, I have already told you it is the public revenue reserve. Had it been so, every one, every

school-boy knows the story of Muhammad Tughlak, that idealist, that scholar-Emperor, who dabbled in economic problems without studying them, and he would have been the first man to draw on this tax, had it been the custom in those days. He was in want of money, and he went from house to house to collect a poll tax; for state expenditure he collected his own subjects' property in desperation; he was in dire need of money and he wanted to issue notes, I mean, paper currency without any metallic reserve in the treasury, and he wanted that copper coins with the stamp of the Emperor should pass as gold and silver coins. He took to so many means of making money but we do not hear of the salt tax even then; it has never been recorded by Ibn Batuta, that famous African traveller who was a friend and for seven years practically an associate and a colleague so to say of Muhammad Tughlak. Am I to hear that he could not record it? I maintain, Sir, that the salt tax had no history before the coming of the East India Company.

I shall simply rapidly pass over the Sikh regime in the Punjab, when some little money—inconsiderable though it be—was realised from leasing out mines in the salt range, the stronghold of the Indian Government's monopoly even today. But the salt, as such, was never taxed. Though in the Sikh days in the Punjab, which were the days of the East India Company in other parts of India, when these mines were leased out and when we might expect to hear of a salt tax in the Punjab salt range, we do not hear of anything like that at all. It was a mining lease rather than anything else; that is not a salt tax. Just as a zemindar lets out his stone mines, or the Government lease out their silver mines, so it was with this salt range; under a mining arrangement it was let out.

But admitting for argument's sake that the salt tax was a tax in India just as it is today, for argument's sake I take it, it was so; but will the Honourable the Finance Member take note of the fact that all the sources of supply were open to the people? The mine was there in the Punjab and the sea from Sind to Chittagong; all this was open to the people who were making their own salt. Who began the monopoly? The word "monopoly" came into this country with the East India Company. That cursed word "monopoly" of salt came into this country with the advent of the British merchant rulers. Evidently there was no monopoly of salt in India before then. There being no monopoly, it would be self-contradictory if you say that there was a tax. People were not making salt in factories, and *Nimak Mahal* is a word which the East India Company probably coined. In those days there was no big centralised manufacture of salt. Sometimes people carried a potful of water from the sea, boiled it in their houses and made salt. I shall now tell the House how the monopoly system has pressed heavily on the poor people, how it has actually operated itself on the people, and how clandestinely people prepared their own salt for which, not they, but their zemindars were punished.

But you may say that if today we give salt free, how can it be supplied to the people in the interior? They will be put to a lot of expense and trouble to carry salt into the interior from the sea coast. You may say that. But, Sir, I have got literature in my hand to show—I do not know whether I shall be believed at this hour of the day if I tell you, Sir, that all over India there is salt earth from which salt can be made easily. It is made in this way, Sir. First take out the earth and then put it

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into water. The water is then filtered and boiled and allowed to evaporate, and the deposit that remains is salt. That is how salt is made, and the earth for making salt nature has supplied in her abundance, and such earth can be found even in the land of my friend over there, in Allahabad.

Munshi Iswar Saran (Lucknow Division. Non-Muhammadan Rural).
Not very much.

Pandit Nilakantha Das: Much or little, the source has not been tapped, and you were not living in the days of your grandfather to tell me now . . .

Munshi Iswar Saran: Address the Chair please.

Pandit Nilakantha Das: I am sorry, Sir; my friend ought to have lived in the days of his great grandfather to tell me today whether that salt was much or little

Mr. O. Duraiswamy Aiyangar: Did you live then?

Pandit Nilakantha Das: Sir, Mr. Thornhill of the Board of Revenue, perhaps of Madras, in the Report on Salt in 1876, on page 94, says that, "the quality of earth salt varies greatly in different localities. That produced from the black cotton soil is generally the best". Mark the quality here. "It is pure white", and not muddy, not the black salt of Madras which is not palatable to

An Honourable Member: To Mr. Kabeer-ud-Din Ahmed

Pandit Nilakantha Das: To my friends like Mr. Kabeer-ud-Din Ahmed in Bengal. The salt produced "was in well-formed small crystals" like the Cheshire salt. "That produced in red soil is dirty and red in appearance, the former is used largely for human consumption and the latter exclusively for the use of cattle." Mark, Sir, there was a provision in every household for giving salt to cattle.

Sir, the earth salt policy of the Government recently came in for criticism at the hands of Sir Thomas Holland in a speech which he delivered before the Royal Society of Arts. He alleged that the restriction on the manufacture of earth salt pressed heavily on the poor. The policy, he maintained, was responsible for stinting the supply of salt for agricultural operations, and to that extent accountable for agricultural deterioration in India. This is the criticism of Sir Thomas Holland.

Sir, five years ago, in March, 1924, a question was put in this House regarding salt earth, not by a man who lived on the sea coast, but by a man who lives in the Surma Valley, I mean Mr. Ahmed Ali Khan. He was pressing for an industry, the extinction of which affected his own constituents, and as a matter of fact, here is my friend Mr. S. C. Dutta from the same constituency, who tells me that, not only is there an abundance of salt earth in his district, but there are springs in his own gardens and orchards which give saline water and formerly salt was made out of that water. Now, Sir, a stone has been put and a guard has been established there so that no man can carry a jarful of water and make salt out of it. But whatever be the real state of things there, the answer given to the question put by Mr. Ahmed Ali Khan was that, "The Government of India do not propose to abolish the restrictions, nor do they think it worth their while to institute any inquiry in regard to the-

extent and nature of hardships occasioned to the poor". I hope my Honourable friend, Sir George Schuster, after the fine sentiments he has expressed, will take note of these words—Government do not consider it worth their while to institute an inquiry in regard to the extent and nature of the hardships occasioned to the poor. And, Sir, we are crying ourselves hoarse, we have been crying ourselves hoarse on several occasions in this House, for the promotion of cottage industries which are being killed day after day. Of course the machinery for this extinction is imperceptible to the common man. But may I tell you, Sir, that this salt industry was almost a cottage industry throughout India, and it afforded occupation to people in their slack season for which Mahatma Gandhi is now putting,—I cannot say unwelcome or welcome,—the *charka* into the hands

Mr. Deputy President: We are discussing the question of taxation of salt, and not the manufacture of salt. I hope my Honourable friend will try to be a little more relevant.

Pandit Nilakantha Das: I only mentioned it in order to press it upon your attention as well as upon the attention of the House.

Mr. Deputy President: But the question of the formation of salt is not under discussion.

Pandit Nilakantha Das: No, Sir. It is not the formation of salt. But I submit the formation of salt is connected with the taxation of salt. If you take out the tax, then I want to show to the House how people will have their cottage industry, how they will thrive, how it will help them to grow, how their agriculture will be improved, and how their cattle will be fed with salt. All this is relevant, I submit, to the question of taxation on salt. You have heard of the floods in Orissa in Balasore district in 1927. That was a salt-producing district. Formerly there were monopoly centres there, but now there are not even those centres, and people are thrown out of employment and they are sinking in floods and dying of famine. Nobody cares for these *rayats*, sometimes they are decoyed by *sirdars*, and sent out to Assam plantations. If they have got a plot of land, it produces nothing. For a land on which salt was formerly manufactured cannot produce rice. Men who have experience in land will tell you that on a land where salt was being manufactured for about half a century, at least, not even the best scientific manure can bring the proper amount of fertility. If they have got a plot of land, that land is taxed, cultivated or fallow—for that is the *royati* tenancy—and in order to pay the tax, these *rayats* have to go to Jamshedpur or to Calcutta to earn money and pay the tax

Mr. K. Ahmed: Don't look at me, look at the Chair. (Laughter.)

Mr. Deputy President: Possibly you might be able to extract some black salt from over there. (Laughter.)

Pandit Nilakantha Das: I tell you this is the condition, and I would not have told you all these things had I not been required to do so. But the thing is there. They were, out of pity, in 1927 allowed to make their own salt, and for a full year, I have not got statistics with me, emigration from that particular land was arrested a good

Mr. K. Ahmed: You are not true to your salt if you have not got the statistics.

Pandit Nilakantha Das: It is the salt of the Government. I cannot be true to Government salt. They were very healthy, and I have seen them making their salt. Government had not the face to forbid them from doing it. Gradually some preventive officers or some other officers were secretly set on them, and local officers were made by law to fine these people Rs. 5 or 6, or 10. That was enough to produce the effect desired by Government, for the people got terrified. They are probably now emigrating in large numbers to industrial centres, Fiji and other places as before.

Mr. K. Ahmed: Were you arrested for smuggling?

Pandit Nilakantha Das: I do not know whether some of them are today carrying loads of salt as labourers from ships which come from Liverpool to Calcutta. The purpose of my saying all this was to show how a whole machinery of spies, under the name of preventive officers, is constantly in operation so that people cannot even have a pinch of salt if it is not purchased directly from Government. These machines of demoralisation, some genus of which have developed into the Criminal Intelligence Department, were invented even when the monopoly first began, in the early days of the East India Company. They were then fresh—brand new. Those were the days of regulations. In those days there were no Acts as we have now. There were two regulations, Regulation X of 1819 and Regulation X of 1826, to which I shall refer here. One of them, namely of 1819, makes the boiling of salt water criminal. Then there occurs in the other, *i.e.*, of 1826 a peculiar thing, a very interesting thing. Under the Regulation of 1826 burning of straw soaked in salt water was to be severely dealt with. If it was burnt, what was the punishment? They were not so civilised in those days. Criminality in those days could perhaps be transferred from one man to another. Vicarious punishments were, I suppose, allowed. The zemindar was to be fined Rs. 500 for each single case found out among the tenants, and the cases were dealt with not by judicial officers. There is another very interesting thing too. If the zemindar had co-sharers, 2, 3 or 4 or 5 sharers, then the fine, *vis.*, Rs. 500, for each offence was not divided. Each of the co-sharers was to be fined Rs. 500 for each single case. That was the law in respect of which Devendranath Tagore on behalf of the British Indian Association made a petition where he said:

"In general it is the poor *rayats*, often without any malicious designs against their landlords, and owing to their inability to pay the high price of so necessary a condiment, who have brought themselves under the operations of this rule, by preparing solely for domestic consumption a little salt upon their daily fires in one of their ordinary cooking utensils, or by burning a little straw steeped in salt water. The manner in which the *rayats* prepare the salt for such daily consumption precluded all probability of discovering

Still, if cases were discovered? Mr. Devendranath Tagore was fined Rs. 500 each time. I shall not tax the patience of the House by narrating the long history of how it grew in severity and how it killed many races of poor people during the course of a century and a quarter. In the Famine Report of Orissa of 1866, page 222, paragraph 49, it is said that "salt manufacturers, who had turned to landless labourers through sheer helplessness" on account of the Government monopoly in salt were the people upon whom "the utmost severity of the calamity" had fallen. You do not, perhaps, know the extent of the mortality in that famine. Now, I am quoting from the Government Report on the famine of Orissa

and Bengal. 20 lakhs of people died out of a population of 60 lakhs. That is one-third of the population died, and this salt monopoly was substantially responsible for this calamity

Then comes another chapter in the history of the salt tax. It is against the imported salt that I propose my amendment to-day. Now, Sir, the East India Company came here. It is useless to quote things. So much quoting is unnecessary. It will simply tax my friends and take longer time than necessary. I shall be as brief as I can be. When the East India Company came here, they pounced upon this salt. Who were the manufacturers and who were the taxpayers? As I hinted the other day, servants of the Company were not paid. They were let loose on the people. Yes, it is a fact. One of my friends told me that he went to pay a visit to that great historian Vincent Smith. He was buried among his books. My friend found in his library that there were many records about the doings and activities of the East India Company and their servants. He asked Vincent Smith, "In your books I find nothing about the things one may find here". The historian said "My dear friend, what can I do? I have come to realise that these men were a perfect set of scoundrels, but for political reasons, I do not write about them". This is what I have heard from my friend. I do not know how far it is true, but I have reasons to believe it to be true from what I know of this salt tax business. I know how the early servants of the Company were let loose on the people. They were paid very little, and were freely allowed to carry on business and plunder people. There was a Resolution to prevent them from taking part in the manufacture of salt. What was the reply? They must make some money. The service must be made attractive to them.

The East India Company was making lots of money. Human nature is human nature everywhere. In England, why should the nation of shopkeepers brook this profit making of a few individuals? A set of people are making profits in India. Why should others be deprived of doing the same? The Borough of Droitwich complained. Then the Chamber of Commerce in the City of Gloucester also pointed out that the manufacture of salt by the East India Company was a manifest violation and evasion of Act 3 of William IV, c. 85 and protested against the exclusion of "the British merchant from the benefit of a market to which he had natural and paramount claims to be admitted." Similar Resolutions were passed by the Chambers of Commerce of Bristol, of Liverpool and other important Trade Centres. I draw . . .

Mr. Deputy President: Order, order. I hope the Honourable Member will realise that he has already taken one and a half hours. I think he should try to be more brief and more relevant.

Pandit Nilakantha Das: I will be very brief (Laughter), though I have so much to say, for the subject is so vast and momentous, and the description is so painful. Then with regard to the principle of the duty. It was to give facilities to the English merchants in the market of India, where they had a paramount and natural right. What is that paramount and natural right? I cannot say, nor have I any desire to say that. I don't like to say unpalatable things, especially because my friend over there is so very polite and sweet. Then what was the principle? The principle is, as first mooted by the Duke of Argyll, that famous Secretary of State

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for India, that the poor man must pay something—I am not quoting it. Perhaps I am not going to speak for a very long time. The Duke of Argyll said—but this is so important (Laughter from some Honourable Members). This is not a thing to laugh at. The Duke of Argyll said:

“On all grounds of general principle, salt is a perfectly legitimate subject of taxation. It is impossible to reach the masses by direct taxes, if they are to contribute at all to the expenditure of the State, it must be through taxes levied upon some articles of universal consumption, there is no other article in India but salt answering this description, and therefore I am of opinion that the salt tax of India must continue to be regarded as a legitimate and important branch of the public revenue.”

I consider this to be not an indirect tax as it is called, but a direct tax, and if I get time and if you will allow me, Sir, I will prove it.

This is the principle of our salt tax—our salt *magna carta*, so to say, as my friend Mr. Aney would like to remind me here—and if this be the principle, may I ask what about the poor man's matches in the market? Is it not a taxable commodity? Do we not fill the coffers of our State with taxes on matches?

Mr. Deputy President: Order, order. May I remind the Honourable Member that Standing Order 29(2)(vi) lays down that:

“A Member while speaking shall not—

(vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly.”

I hope the Honourable Member will try to bring his remarks to a conclusion as soon as possible.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I ask whether it is not within the right of the Honourable Member to use his right of speech?

Mr. Deputy President: Quite so, but within the restrictions contained in the rule I have quoted.

Diwan Chaman Lall: Is there any time limit?

Mr. Deputy President: There is no question of time limit but I say that the speech of the Honourable Member must be relevant.

Pandit Nilakantha Das: I am sorry, I never meant to be irrelevant.
(At this stage Mr. President resumed the Chair).

Mr. President: Is the Honourable Member still speaking? Although there is no time limit to speeches, on this motion, the Honourable Member is expected to make a legitimate use of the procedure of this House.

Pandit Nilakantha Das: But considering the importance of the subject, and the fact that we have been paying a tax like this for such a long time, over a century and a half, I hope I shall be wanting in my duty if I do not make it a point this year to convince even the Government Members who have not yet been convinced by argument.

Mr. President: Pandit Nilakantha Das.

Pandit Nilakantha Das: Thank you, Sir. Then I was speaking about the Duke of Argyll (Laughter) I asked, this being the principle of the

salt tax, that every poor man must give something to the State for its protection of the poor—if I may say so—perhaps the other aspect of the same principle is that the poor man is protected by the Government, receives some benefit real or chimerical, and should be taxed for that purpose—if it be so, I was just going to ask on how many things is the poor man not paying in this land? Kerosene, does he not pay for it? Does he not pay a heavy tax for matches and for income-tax? Who actually pays the income-tax? And all the taxes that are gathered that come to the Government coffers, where do they come from? They are all based on the primary articles of human consumption. Prices go up. There was the currency trouble, and the price went high and low. Whom did they ultimately affect? And that, I say, is a thing which reaches each and every poor man in every land, not to speak of matches, or kerosene, or even income-tax, which is sometimes directly levied on the debtor. As a matter of fact I know that many creditors, at the time of lending money, take some proportionate advance as interest for the income-tax. That does not matter. Am I to explain here that the grain of rice, the grain of wheat which the poor eat, is the real article which ultimately bears the burden of almost all taxes? Then how do you say the poor man must pay something and that it must be out of salt? By no stretch of logic can such a position be maintained. Here I am reminded of a very curious statement of Mr. Dadabhai Naoroji, who was discussing this selfsame subject long ago:

“What a humiliating confession to say that, after this length of British rule, the people are in such wretched plight that they have nothing that the Government can tax, and that Government must therefore tax an absolute necessity of life and how can anything be a greater condemnation of the British lines of policy that the people have nothing to spend and enjoy, and pay tax on but that they must be pinched and starved in a necessary of life”

This was what our famous Grand Old Man, Dadabhai Naoroji, a man who gave the ideal of nationalism in the single term *Swaraj* to the country at a time when the whole country was going to be thrown into chaos, a man who brought cosmos out of chaos, this was what he said about the salt tax. He condemned this salt tax and condemned the Government on that score.

It was said that the tax was no tax at all and that it did not affect the consumption of salt. It was so stated in this House, and I myself heard it often. It is not we are told, like India rubber, elastic. It is inelastic. If you tax salt at the rate of even Rs. 30 per maund, even then the man has to eat salt. He must find money for paying the tax and eat it. The other day, in a communiqué which we were discussing, the average was given as 12 lbs. in India per head consumption. The lowest was 8½ lbs. per head. That is the figure, if I remember aright. Shall I tell you, Sir

Mr. President: Why do you threaten me? (Laughter.)

Pandit Nilakantha Das: Whom did I threaten, Sir? I am only appealing to the House through you, Sir.

Mr. President: The Honourable Member knows that the Chair is very unwilling to hold that any Member of this House is wilfully and persistently obstructing the business of the Assembly and I am not still prepared to believe that the Honourable Member is doing on this occasion.

Pandit Nilakantha Das: No, no, Sir.

Mr. President: I would therefore ask the Honourable Member to be brief.

Pandit Nilakantha Das: I bow to your ruling, Sir, and I shall be ruled by you whenever I am irrelevant. I may be unconsciously irrelevant, I never mean to be irrelevant, but I am prepared to abide by your ruling

An Honourable Member: Kindly be brief.

Mr. President: The Honourable Member may be relevant, but there is another rule which says that the right of speech shall not be used for the purpose of wilfully and persistently obstructing the business of this House; but I am not prepared to believe that the Honourable Member is doing anything of the kind. I would, however, ask the Honourable Member now to be brief and conclude his observations.

Pandit Nilakantha Das: I hope I have convinced the House of the fairness of my motion. That was my only object in speaking at this length. I am very very anxious to convince the House with as many arguments from as many aspects as I can. I never mean to obstruct the business of the House and I never like to stand in the way of any Honourable Member exercising his right of speech.

Then, Sir, let me be brief (Hear, hear). Before I was interrupted, I was upon that *per capita* consumption. It was 12 lbs. average and 8½ lbs minimum. But what was the official calculation when the salt tax was yet green and young?

General John Crawford (not our Honourable friend here, Colonel J. D. Crawford), Medical Officer of the Bengal Government, in a statement to the Select Committee on salt (1836) says:

"A Bengal or a Madras sepoy receives a ration of 17 lbs per annum, that is ¾ oz per diem. A Bombay sepoy 2 oz per day or 45 lbs per annum."

This is the land allowance,

"at sea it is 40 per cent more with salt fish to boot."

This was what was being given in the thirties of the last century.

Mr. President: Order, order. If the Honourable Member does not conclude his speech in another five minutes I shall have to revise my opinion about the Honourable Member's attitude.

Pandit Nilakantha Das: I shall if possible take another opportunity, with your permission, to say many more things that I have got to say.

Mr. President: I always give the Honourable Member an opportunity to speak

Pandit Nilakantha Das: Then, I have finished.

Mr. President: Mr. M. K. Acharya.

(The Honourable Member was not in his seat.)

Mr. President: Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural):
I move my amendment No. 5 which is as follows:

"That in clause 2 of the Bill, for the words 'one rupee and four annas', the words 'eight annas' be substituted."

Clause 2 of the Bill is an amendment of section 2 of the Salt Act. I do not know, Sir, why the Government introduced a convention by which, every year, they have to amend an Act. Probably they want to show that they have the assent of the representatives of the people in the matter. The original Act empowers them to have it determined by rules framed under the Salt Act. For the provisions of section 7 of the Indian Salt Act XII of 1882 says:

"The Governor General in Council may from time to time, by rule consistent with this Act impose a duty, not exceeding three rupees per maund of 82 $\frac{2}{7}$ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India."

Here is the law laid down about 46 years ago which empowers an autocratic Government to impose salt duty up to a maximum of Rs. 3. It is a pity that a convention like this had been established that the subject was to come year after year for consideration in this shape and form to afford us an opportunity of discussing it without any intention of paying any heed to what we may suggest. The country is not likely to be deceived by this procedure for they are well aware of our helplessness in this Assembly. Sir, I shall not take much time of this House in moving my amendment. Salt is an article which must be admitted by every sensible man, be he a Member of a tyrannical Government or an autocratic Government or a bureaucratic Government or a benign Government, as also by every other human being who has any conscience or intellect left in him, as an article which should not be taxed (Hear, hear.) Any one attempting to adduce any argument in support of taxation of one of the barest necessities of life is either a knave or a fool for he wants thereby to deprive a human being of an article of food which is absolutely necessary for the rich and the poor alike. Arguments for the reduction of the salt tax have been adduced year after year on the floor of this House, and they have all fallen on deaf ears. I wonder why the Government are still persisting in sticking to the convention of bringing this sort of Bill before the House, instead of relying upon the power that is given to them under the original section of the Salt Act. Probably that day is not far off when they will do so; or probably they think that some harmless or vociferous speeches here will not affect them. That shows their mentality. I think we should not say much about it, knowing as we do that they are determined to do what they want to do, and knowing as we do that we cannot alter their minds. In fact I pity the Honourable Member from Orissa, Pandit Nilakantha Das, who took up so much time of the House, who I think is still having some faith in the good intentions of the present bureaucracy. I pity him. Long long ago, at least in Bengal, we were disillusionised, when a brilliant Viceroy brought about the dismemberment of our province to stem the tide of growing nationalism. Probably Lord Curzon wanted to give us an opportunity of expiating for the sins of Bhobanandas and Mir Jafars. Their sons and their sons' sons have to expiate for the sins committed by them, and probably they will have to do so for generations to come as there are even today a number of Mir Jafars and Bhobanandas. Sir, what I ask for is that this salt tax should be

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reduced to at least annas 8. This is our demand. We are not on our knees before an alien bureaucracy asking for any boon or concession, but we do demand, as Indians, in this House, our inherent right, our birth-right, in our own land, in order to see that the poorest amongst us do get their salt. We demand that the Government should cut down and reduce the salt tax to annas 8. If they do not, all the epithets, all the abusive epithets that one can use may not avail us to bring them down to a sense of understanding the situation; but they ought to read the writing on the wall. Year after year, if you go on flouting public opinion like this, year after year if you go on insulting us without listening to us and without granting our just demands, because you have got the power to do so, pray do not talk of progressive realisation of responsible Government. I also ask those countrymen of ours who are still induced by false hopes to take note of this. I hope Englishmen in England have not yet lost their senses; I say to you Englishmen, look at the depth of degradation to which you have come down. If this is the position in India, you are all exploiters, which is but another name for thieves, and you have become tyrants—for which the euphemistic name given is autocrat. What are you? Are you the children of those Englishmen . . .

Mr. President: Order, order.

Mr. Amar Nath Dutt: Yes, Sir, I shall come to the point. I demand of you, Englishmen, to reduce the salt tax

Mr. President: The Honourable Member must address the Chair.

Mr. Amar Nath Dutt: Therefore, I move this my amendment, that:

"In clause 2 of the Bill, for the words 'one rupee and four annas' the words 'eight annas' be substituted"

I hope, Sir, it will be accepted by the House.

Mr. V. V. Jogiah (*Ganjam cum Vizagapatam: Non-Muhammadratan Rural*) Sir, my amendment proposes that the duty on salt should be reduced to As. 10. Sir, there can be no greater hardship upon a community than the imposition of duty on an article which is almost indispensable to life. It has been admitted, Sir, that salt is a commodity, which is a prime necessity of life. Medical opinion has been insisting that, unless a man takes at least 20 lbs. of salt, he cannot lead a healthy existence. So that, even the poorest of the poor cannot get on without this necessary commodity, salt. In India, as has often been pointed out in this House, 10 lbs. of salt is said to be the average consumption per head, while that is only half the amount that is required for leading a healthy life. In England, we find that the average consumption per head is 40 lbs. Salt is needed, not only for men, but also for the cattle. The use of salt, Sir, as has been stated by Professor Fawcett, must be as free as the air we breathe and the water we drink. The price of salt always depends upon the duty that is imposed on it. People take more salt when the duty is less and prices are cheaper. This is proved, Sir, by statistics. Increase in the salt duty always resulted in the reduction of consumption, and decrease in the duty in an increase of the consumption. For instance, in the year 1903 when the salt duty was reduced by 8 annas, we find, Sir, that the total consumption of salt in the whole of this country which was about 36½ million maunds

before, increased to 43½ million maunds. That is, it increased by 20 per cent. And then with regard to the average of consumption per head, it was found to be less than 10 lbs. before the year 1903 and it went up after 1903 to about 11 lbs. In fact, Sir, this rapid rise in consumption took place in response to every reduction or lowering of the duty. There can be no greater evidence, no more conclusive proof, than this that a higher duty entails, great privation and considerable suffering, on the people. The consumption of salt, Sir, has not kept pace even with the normal increase in the population.

It was once the orthodox official opinion that the duty on salt did not press unduly upon the people of this country. The Government and its apologists always advanced two arguments in defence of salt duty. One was that it was the only contribution that the poorer classes made towards the public expenditure. The other argument was that the duty imposed on salt compared favourably with the duty per head in other countries. So far as the first argument is concerned, Sir, I submit it is altogether incorrect. It is the poorer classes that pay most, relatively to their income, towards the revenues of the State. It is these classes, Sir, that always pay most of the taxes in this country. Take, for instance, the drink revenue. It is the poorer classes that contribute most of this revenue. Again, it is they that pay the forest revenue, though they were deprived of their rights to graze and their right to collect fuel, free of duty. It is they again, that pay the bulk of the revenue from stamps and registration for the reason that most of the litigation in courts relates to small sums. It is they again, Sir, who pay a fair share of the customs duty as was admitted by one of the Finance Members who stated that, as much as 20 to 25 per cent of the revenue is paid by the poorer classes. One Mr. O'Connor, once Director of Statistics, stated in a paper read by him that it was the poorer section of the Indian cultivator that contributed most largely to the finances of the state of this country. There is therefore no justification whatever to say that the poorer classes do not contribute and that this salt duty is the only duty they contribute to the Indian Exchequer. The next argument, Sir, is that, compared to other countries, the average of salt duty in India per head is less. This again, Sir, is a very fallacious argument. An argument like this could be valid only if we take into consideration the income of an Indian compared to the people in other countries. It is a well known fact, Sir, that the average income of an Indian in this country is only about Rs. 6 a month, while in other countries it is not less than about Rs. 100. So that, if this is taken into consideration, this argument also does not hold.

It has been admitted, Sir, times without number by responsible administrators that this tax presses very heavily upon the people of this country. It is useful, Sir, to recall to the memory of this House certain statements made by responsible men in the Government of India and by former Secretaries of State. In this connection, Sir, I would take this opportunity of referring you to what Lord Cross, a Secretary of State for India, wrote to the Government of India in a despatch to the Government of India in the year 1888. He wrote as follows:

"I do not propose to comment at length on any of the measures adopted by your Government except the general increase in the salt duty. While I do not dispute the conclusion of your Government that such an increase was under the circumstances unavoidable, I am strongly of opinion that it should be looked upon as temporary and that no effort should be spared to reduce the general duty as speedily as possible to its former rate."

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His Lordship further urged on the attention of the Government of India the following weighty consideration on the point

"I will not dwell on the great regret with which I should at any time regard the imposition of additional burdens on the poorest classes of the population through the taxation of a necessary of life, but apart from all general considerations of what is in such respects right and equitable, there are, as Your Excellency is well aware, in the case of the salt duty in India, weighty reasons for keeping it at as low a rate as possible. The policy enunciated by the Government in 1877 was to give to the people throughout India the means of obtaining an unlimited supply of salt at a very cheap rate, it being held that the interests of the people and the public revenues were identical and that a proper system was to levy a low duty with unrestricted consumption. The success of that policy has hitherto been thwarted. While the duty has been greatly reduced, the consumption through this and other causes has not increased. The revenue is larger now than it was before the reforms commenced in 1877, and I see no reason to doubt that the consumption will continue to increase, if it is not checked by the enhancement of this tax."

He afterwards speaking again at a public meeting, stated that he was convinced that the earliest occasion should be taken to abrogate the increase in the salt tax. So that it was the opinion of a responsible statesman like Lord Cross that this duty bore heavily on the poor people of this country. I can multiply such utterances from other Secretaries of State. But I do not wish to trouble the House with them, as the time at our disposal is short.

I will say one word more, Sir. It is really very surprising that India, possessing a very large seaboard and presumably therefore being in the position not only to manufacture salt for itself, but also to supply it to other countries, should depend for its supply of salt to the extent of one-third on other countries. It is said, Sir, that this Indian salt does not command a market in Bengal. It is really strange why the Bengalees when they are out of Bengal, use this salt, but when they are in Bengal they do not use it. I fear, Sir, there is no genuine feeling against the Indian salt in Bengal; but it is a feeling which is manufactured in a very artificial manner. The other day, my Honourable friend, Mr. Neogy, referred to it at great length and I do not therefore propose to repeat it.

It is necessary, Sir, if salt should be supplied at the cheapest price in this country, that the policy of Government with regard to the manufacture of salt must be altogether changed. The manufacture of salt should not be restricted, as it is at present, to a few places, but it must be considerably improved and extended. I know, Sir, at one time there were a number of salt factories throughout the length and breadth of the country, but I am sorry to observe that most of them have been abolished and they have now been confined to a few places. In these circumstances, Sir, I suggest that salt manufacture should be improved, and I submit that severe economy and rigorous retrenchment should be applied through all departments of Government in order to secure a reduction of the salt duty. With these words I move my amendment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa. Muhammadan). Sir, my amendment is that the salt duty should be reduced to one rupee. I should have been glad if the duty were totally abolished, but as I think it may be difficult for the Government to carry on the administration, I simply move the reduction of the duty to one rupee. I may tell you, Sir, that this salt duty hits the starving millions of India to a considerable extent. In the first Assembly a similar question

was discussed, and after that, I went to my village and there, if not thousands, at least hundreds of people came to me—people half-naked and in rags, with only a loin cloth round their bodies and no other cloth—living in mud huts and cottages, who could not even have two meals a day—they lived simply on what little they could get—cereals and other things—they could not get food of any other kind—they all came and fell at my feet and said “You are in the Assembly: why do you not move for the reduction of the whole of the salt duty? To us one pice is as much as one thousand rupees is to you. So you will not be doing your duty if you do not work for the reduction of the salt duty.” I felt it very much before, and from being a supporter of the Government, this salt duty it was, which made me turn a Swarajist. (Cheers) And, Sir, if this small reduction is not accepted by the Government, then I am afraid, in this old age of mine, I do not know what I might become. I do feel for the people and I know that my friends on the Treasury Benches are not against the people—the hungry millions who go from day to day with a single meal and sometimes not even that. My friend, Pandit Nilakantha Das, said that the landlords do not pay much attention to the condition of the tenant. He is wrong there. Those zemindars who have got any sense of responsibility go and try to mix with the people in their houses and join their ceremonies and see what they do. It is on behalf of those people, whom I know full well, and about whom my Honourable friends on the Treasury Benches have no idea whatever, that I wish that the duty on salt should be abolished altogether. But, Sir, I do not seek to cut it down in full. I say, gradually reduce it so that after a few years it should be abolished altogether. The Members on the Treasury Benches should have the gift of imagination and common-sense to understand how things are going from bad to worse, and I hope that they will accept my amendment and, in the course of a few years, altogether abolish it. That, Sir, is why I have come up to Delhi; it is only for that purpose; because otherwise I felt I would be shirking my duty to my tenants and to the hungry millions for whose welfare I am equally responsible. I say that the whole duty should be abolished, but for the present I appeal to the Members of the Treasury Benches that they will accept this simple amendment. With these words I move my amendment that in clause 2 of the Bill for the words “one rupee and four annas” the words “one rupee” be substituted.

Mr. C. Duraiswamy Aiyangar: Sir, I am sorry that, at this late hour of the day, I have to take up the time of the House while probably many people may not be inclined to give a patient hearing.

In the first instance, Sir, I wish to say that, if I move this amendment on the salt tax, and if I make a speech upon it, it is not in view of the impending elections that I am doing it, it is not with a view to give an account to my electorate that I am now making a speech. If I did not give an account to my electorate for the last three years, rather for the last six years, I am not going to give an account to my electorate by this one speech of mine. Sir, in the book, *India in 1922-23*, Professor Rushbrook Williams passed a remark like that with reference to the Members of the Legislative Assembly who were leaving the Assembly at the end of 1923 and standing for fresh elections. His remarks were:

“Apart from any question of compunction which they might have had in adding to the burden of the classes stricken by poverty, the majority of the members had naturally to consider the question of their approaching elections.”

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That, Sir, was an insinuation which Professor Rushbrook Williams made in that book called *Moral and Material Progress Report*, an insinuation which he made unjustly and irrelevantly against the Members of the Legislative Assembly in 1923, when they protested against the raising of the salt tax from Rs. 1-4 to Rs. 2-8. Sir, a remark like that from Professor Rushbrook Williams I can understand. The other day, Sir, my Honourable friend, Sir Hugh Cocke, when I made a speech about the railway fares, freights and amenities, taunted me by saying that I might print it in a pamphlet and distribute it to my constituency. That also I can understand. But, Sir, it pained me very much when I heard from you, Sir, yesterday that you gave latitude to the Members of this Assembly in this session because of the impending elections. If the Honourable Members of this House have not accounted for their work in this Legislative Assembly and for their work for the cause of the country during all this time of three years that they have sat here, are they going to do it by one speech upon the Finance Bill, or by one speech upon any other subject in this particular session? Sir, you will also have to face the elections. I am very sorry therefore that you should have passed such a cruel remark against Members of this House who have all, like you, Sir, come here to represent the people and their constituencies with all their conscience, with all earnestness and with all zeal.

Sir, the amendment which I have the honour to move this day requires some explanation. It is not in the usual form of substituting one rupee, or twelve annas or 8 annas or four annas for Rs. 1-4-0, but it is framed in such a manner that it naturally requires a little bit of explanation. The amendment that I propose, Sir, runs as follows

"and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of twelve annas out of the said one rupee and four annas, and such remission shall be deemed to have been made out of the leviable duty by rule made under that section."

I will explain, Sir, frankly what my object is in moving . . .

Mr. President: Is it not the same as the amendment of Pandit Nilakantha Das?

Mr. C. Duraiswamy Aiyangar: It is the same as that, but the only difference is, while Pandit Nilakantha Das has moved for the total abolition of the tax on Indian salt and retained the duty of Rs. 1-4-0 on imported salt, I retain 8 annas tax upon the Indian salt and retain Rs. 1-4-0 upon the imported salt.

Sir, I am responsible for the wording of this amendment, and let me say a word in explanation of it. There are two Acts, Sir, the Indian Salt Act and the Indian Tariff Act. Under section 7 of the Indian Salt Act there are three powers vested in His Excellency the Governor General in Council; one is of imposing a salt tax to the extent of Rs. 3 as the maximum; the other is of reducing the salt tax, and the third power is of remitting the tax. I say, Sir, these terms "imposition, reduction and remission" have got their respective significance in law, and we presume that in law no word is unnecessarily used, and therefore I take advantage of these three powers which have been given to His Excellency the Governor General in Council under section 7 in order, if possible, to get some benefit for the poor people of this country.

Sir, it has been asked by some Members here, my Honourable friend Mr. Amar Nath Dutt asked—why the Government introduced the convention of bringing up the Finance Bill year after year before the Assembly when they have got the power under section 7 of the Indian Salt Act. My friend Mr. Neogy said that he achieved a great thing in 1921 when he established, along with his colleagues in the Assembly on that occasion, the convention of getting the Finance Bill before this House, even if it be for a specific and limited purpose. But, Sir, my idea is that the Government consented to place the Finance Bill only as regards a certain portion of the ways and means and not entirely the ways and means of all their expenditure; only a certain portion of it, just enough to meet the demands left for our vote. I say, Sir, they have consented to place the Finance Bill, limited in extent, before this House, not with *bona fide* intentions, but so far as I am able to see,—because we have day after day reasons to suspect their motives,—with some nefarious object. Although they know that they have, under section 7 of the Indian Salt Act, power to impose salt tax to the extent of Rs. 3, and as they know also that it is a tax which presses heavily upon the poorest of the poor in this country, they do not want to take the responsibility on their own shoulders of levying this tax, but they want the instrumentality of this House to throw that sword on the neck of those poor people. They ask, therefore, through this Finance Bill to legislate before a certain tax is levied upon those poor people. If they had reserved their power to themselves and if they had gone on levying the salt tax without reference to the popular Assembly, as this is often called, then they would have taken upon themselves the entire opprobrium, the entire notoriety, the entire curses of the people of this country. In order to have the peoples' representatives also to share with them these curses, the Government have begun to place this Finance Bill before the Assembly. I say, therefore, if they ask us to share with them those curses, let them also co-operate with us in seeing that the curses are reduced, that the difficulties and hardships which are experienced by the poor people are reduced to a minimum, let them try and alleviate their miseries.

Now, Sir, the question of the salt tax is unfortunately not given the importance in this House that it deserves. In this matter, Sir, I am not prepared to throw the entire blame upon the Government Benches alone. I wish to apportion that blame on the peoples' representatives also. I would call that contributory culpability on the part of the peoples' representatives responsible for this. People boast in this Assembly or on public platforms that they represent the poor people; they are shedding tears for the sufferings of the poor, and yet, when the question of salt tax comes before the House, where are they? And there has been an attempt, even today, to see the House fail for want of a quorum. I am sorry to say, Sir, whether they are members of my party or of any other party, that there has been an attempt to evade their duty in this matter, and I am sorry to say there is a good deal of contributory culpability on the part of the peoples' representatives; because if all the people, with one united voice, had attached that importance to it which the subject requires, I am sure the salt tax would have been abolished long ago.

Now, Sir, in the first instance, I wish to place one aspect of the matter before the House, before I go into the hardships of the poor people. I first consider it as a most humiliating thing that a necessary article of food should be taxed in any country. I call it melancholy meanness to go and tell a poor man, when he has to drink a cup of gruel, "first pay my

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tax and then drink your cup of gruel." It is unimaginable that there should be a tax levied upon a necessary article of food, and it is well known that, in a country like this, the poorest of the people are those who take the greatest amount of salt. Their food does not contain the salt which the food of the rich people may contain in other ways. The rich man may have his salt in various other articles of food which he takes, but that is not the case so far as the poor man is concerned. I therefore consider it a most humiliating thing that a tax should be levied on one of the most necessary articles of food.

Sir, we have, on the floor of this House, heard cries of humiliation with reference to the cotton excise duty. Merchant princes of Bombay raised a hue and cry on the floor of this Assembly and said that it was not for the sake of money that they were fighting, but for the sake of humiliation that they were subjected to on account of the cotton excise duty. Sir, if the levy of the cotton excise duty, on the textiles, the profits of which go to the rich man's pockets, is a humiliation to this country, I ask, is it not a thousand times greater humiliation that, in this country, every poor man should be asked to pay for the necessary article of his food? I therefore consider it highly humiliating, and I asked my Honourable friend, the Finance Member over there, whether there are any countries in this world which levy this salt tax. Sir, My Honourable friend gave me an answer—it is a very recent question that I put. The question was this:

"Will Government be pleased to state which other coastal countries in the world levy any duty on salt and the rate of such duty?"

This was on the 29th January 1929.

The Honourable the Finance Member replied as follows:

"The Governments of the following countries levy taxes on salt:

Brazil,
Bulgaria,
France,
Netherlands,
Venezuela.

I must leave it to the Honourable Member to say which of these countries are covered by his term 'coastal countries'. The Government of India have no up-to-date information as to the rates of tax levied by the Governments mentioned in the second list."

Well, Sir, it is really regrettable that the Government of India have not up-to-date information as to the rates of taxes levied by the Governments mentioned in the second list. Sir, with all the huge machinery that they command, it is really surprising that they are not in a position to say what the rate of duty is in those five countries which have been named.

Now, Sir, I have been driven to search out some information on this head. I may take first, Sir, the important country which has been mentioned,—that is France. At page 75 of this book, the *Financial Crisis of France* by George Peel, written in 1925, he says this:

"As regards the salt tax, this was the oldest tax in France, dating, it is said, from the days of Philippe de Valois in the fourteenth century, and known under the name of *gabelle*, meaning a gift or *gabe*. This tax, it need not be said, was levied

with the grossest injustice and mequality prior to the Revolution. There were regions of the great *gabelle*, of the small *gabelle*, regions redeemed of the *gabelle* and regions which had always been exempt from the imposition. One of the most distinguished of French economists, writing in 1876 said the average daily pay of an agricultural labourer was 60 centimes. From this it may be deduced that salt tax in the regions of the great *gabelle* was as high as one tenth of the whole of the labourer's revenue. The Revolution, of course, abolished this tax, but it was soon re-established in 1806. By 1872 the salt tax was so modified that it was equivalent only to one franc per head of the population, a mere trifle."

That, Sir, is the present condition of France, and the Honourable the Finance Member does not strengthen his position by putting forward France as a great ideal for levying a rate of Rs. 1-4-0 per maund in this country. My amendment asks for eight annas duty, it is not a trifle, it is much more than that; it is something very substantial so far as we are concerned. The next country to which I can make some reference, because I have had the benefit of some information, at least from the Library of the Assembly, is Venezuela, which is one of the countries mentioned by him. In Venezuela, as I find, from the 1926 Statesman's Year-book, it occupied the fourth rank in the revenue sources of that country, whereas our salt tax here occupies the third rank. But in 1928 salt became a Government concern there and the salt tax is there no more. (*An Honourable Member*: "Hear, hear.")

Then, we are told that the salt tax has a political significance in the sense that it is a tax which all people will pay, every one will universally pay. I am not referring today at any length to the old hag theory of the Duke of Argyll or the demolition of it by Professor Gokhale. Mr Gokhale in the Imperial Legislative Council has often demolished that theory; only he made an exemption with reference to the income-tax and the opium revenue. He said, excepting for the matter of opium revenue of this country, and the income-tax, all other sources of Government revenue are contributed by the poorest man. I would ask the Honourable the Finance Member to make a reference to those speeches, but with reference to those two exceptions I wish to tell him that the opium revenue is also contributed by the poorest people of this country. We have had very very sorry and sad accounts of how persons working in factories in Bombay have been administering opium to their children, to their babies in order to prevent them from crying when they are working in the factories. The poorest of wage-earners also are contributing to the opium revenue of this country.

As for income-tax, as my Honourable friend, Pandit Nilakantha Das, has stated, there again it is the poorest man that pays. It is the poor man that borrows and though it is the rich man's hand that pays, it is the poor man's purse that really pays. Therefore, Sir, there is absolutely no exception to the various sources of revenue being contributed by the poorest man in this country. Then why advance the theory that, but for the salt tax, the poorest people will escape? As for the political significance in a country which is not a self-governing country, of every man sharing the taxation and feeling the responsibility of the State,—if that be the fullest implication of the political significance of it—I will only read to you a short passage from the "Government of India" by Mr Ramsay Macdonald:

"The Salt Tax has long been regarded as a blemish on our Indian fiscal system. . .

The Salt tax is exaction and oppression; and if the people understood it, it would only breed discontent. It is a survival of the general exploitation of India's poverty by a profit-making Company. The argument for its retention illustrates the error

[Mr. C. Duraiswami Aiyangar.]

so prevalent in India, of assuming that the political wisdom of a Western self-governing State is also political wisdom in an autocratically or bureaucratically governed one, and that a bureaucracy has the same right to impose burdens on a people that a representative Legislature has. The payers of the Salt Tax have no more to say in Indian policy than the man in the moon, and the price of their salt has no more influence on the bureaucracy than the cost of their weddings."

Therefore, there is absolutely no political significance about it. People who pay the salt tax are not feeling the responsibility of this Government, and
5 P.M. not allowed to feel the responsibility of the Government, and there is no sense of nobility or magnanimity about it. On the other hand, positively it is a humiliating tax. I ask, if there be no other ground for it, at least on this ground, is it not the duty of the Government to relieve the people from that humiliation?

Now, I come to the hardships of the tax. The hardship of the tax has been pleaded before you on the ground of the extreme poverty of the people in this country. My Honourable friend, Mr. Mukhtar Singh, yesterday was quarrelling with the Honourable the Finance Member as to why he advises thrift to persons who have reduced their expenditure to an irreducible minimum, who are absolutely poor. But the Honourable the Finance Member is not to blame for that. The Honourable the Finance Member gets his information about the people of this country from that Bureau of Public Information, the head of which is Mr. Coatman. Shall I read out to you a page—page 95—of his wonderful publication, and who can resist the temptation of coming to the conclusion which the Finance Member, new as he is to this country, has done? Before I quote it, I am surprised to find that one important item, which is made a test of the richness of people, is the cigarettes that are smoked.

"Anybody whose direct acquaintance with India extends over a period of 20 or 30 years will have no hesitation in saying that India has, on the whole, prospered during that period, and if he were pressed to account for his belief he would point to a number of signs, each of them, no doubt, unimportant when considered separately, but, when taken together, found to be fairly convincing. Railway statistics for example, show that even the poorest sections of the people can afford to travel much more than in the past. Again, cigarettes, mineral waters and other simple luxuries are now enjoyed by the masses."

I would ask if my Honourable friend Mr. Coatman were here, how many cigarettes he exchanged with these masses.

Diwan Chaman Lal: He is here.

Mr. C. Duraiswami Aiyangar: He is concealing himself somewhere.

"Savings bank deposits and membership of co-operative societies are continually increasing, showing that more and more of the people are able to save a little and put it by for hard times."

One other passage I may read from his wonderful book, page 146. And when I was telling the substance of it to my Honourable friend, Sir Purshotamdas Thakurdas, he would never believe that such a statement was made in a responsible book like this. The mistake lies in considering it responsible. At page 146 he says:

"It is, however, certain that the problem of unemployment in India is very different from the corresponding problem in England. In this country there is unemployment from time to time in particular industries, but normally all the labour available can be absorbed and, very often, the trouble is not to find work for the workless, but to find workers for the work."

Diwan Chaman Lal: Where does he get it from?

Mr. C. Duraiswamy Aiyangar: You are fighting about one statement about Mr. Jinnah. Why don't you attack him on these points.

"When we talk of unemployment in India what we have in mind usually is the unemployment among the educated classes, and there is not the least doubt this constitutes a problem which is becoming more and more serious every year".

So, according to Mr. Coatman, the problem of unemployment in this country is only among the graduates, among those who pass university examinations, but among the masses there is no question of unemployment. The difficulty that he finds is more to get people for the work and not get work for the people. That, Sir, is the study which he has made of the conditions in this country, and he is entrusted with the task of preparing a moral and material progress report year after year and putting it into the hands of the Secretary of State, to throw dust in the eyes of the members of Parliament in England. ("Shame.") Two sentences will do instead of this big book. There can be no moral progress in this country so long as opium and liquor are prevalent in this country. There can be no material progress in this country so long as our friends in England are exploiting all the industries in India. Two sentences will do for describing the moral and material progress of this country. Now, Sir, if the House agrees with me that the people of this country are really poor, that the problem of unemployment stares them in the face, and that Mr. Coatman, who is fully employed, is not an authority for speaking upon the unemployment of persons in these villages then I proceed further to say that the salt tax imposes a very heavy burden upon the poor people of this country. Now, Sir, very often statements proceeding from me would receive some weight if they are supported by some authorities and if the authorities happen to come from their own men, they are probably a little more weighty, because they were given at a time when they were never considered as communists. They considered them as good citizens of England. Mr. Fleming, in his evidence on the 5th March, 1880, before the Parliamentary Select Committee, said:

"I am of opinion they would consume more if it were cheaper."

John Crawford said:

"I should think, upon the whole, that there is no country in the world in which salt, at the present moment, is higher priced than it is in Bengal in reference even to its absolute price and still more in reference to the capacity of the people who are consumers of it."

Then, Sir, Alexander Reed, a Cheshire salt manufacturer was asked a question:

"Is it not natural that consumption should be much greater in a country where salt meats are not necessary where bread, butter and cheese, which in this country are fully impregnated with salt, are not the common food of the people? Do you understand the question?"

He replied:

"I do understand it. It is difficult to prove it. But I should say, supposing a person in this country consumed 12 lbs a year and the same individual were to go in a hot climate with the same food as is given to the inhabitants of India and that the supply of salt were as free then the consumption will be double that quantity i.e., 24 lbs."

Mr. President: What year was it?

Mr. C. Duraiswamy Aiyangar: It was in the Parliamentary Select Committee in 1830. I do not know how the date becomes of significance here

Mr. President: Great significance

Mr. C. Duraiswamy Aiyangar: When human nature has been the same. Now, Sir, I shall not trouble this House with any long history. I will ask my Honourable friend, the Finance Member, to remember certain figures. We have all along been speaking of salt as being only necessary for human beings. I shall put that before him first. There are 300 millions of people in this country. Of course the figure comes up to 318 or 320 millions. My Honourable friend, Mr Lloyd, who is not in the Assembly now, but who is adjacent to it, asked me to deduct the number of babies and I have deducted 18 millions. It does not matter. Taking the 1921 census figures, there are 300 millions of people. There have been 9 years after that, and I am quite sure that, in these nine years, there has been at least some increase of population, but that is another matter. I will refer to that later on. For 300 millions, taking the average of 15 pounds per head, because 17 pounds is the jail diet in Madras—the figures in India range from 10 pounds to 18 pounds per head according to provinces, you must have a supply of at least 4,500 million pounds of salt every year. Next let us take the number of cattle. I take the figures of cattle from the Royal Agricultural Commission's report, but before I give the figures, let me satisfy the House that, according to all authorities, cattle require salt in a large degree than men for keeping up their health. I do not know where my friend, Dr Hyder, is today but I shall refer to him presently. Dr Ratan says, salt is a good prophylactic or preventive of diseases. Mr Arthur Young points out that 7 annas a head is the minimum estimate for salt to cattle. Mr Robertson, who was once asked to report on the Coimbatore Agricultural College in Madras, says:

"The high price of Salt in India is a serious drawback on agriculture. In England good agricultural salt for the use of stock or for use as manure can generally be purchased at about 30s per ton, similar salt costs in this Presidency (Madras) about Rs. 50 per ton. Live stock cannot be maintained in good health, unless they have frequent and regular access to salt."

Now, Sir

Mr. President: Order, order. I think the Honourable Member is bound to take long. The House stands adjourned till tomorrow morning at Eleven of the Clock.

The Assembly then adjourned till Eleven of the Clock on Friday, the 22nd March, 1929

LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 22nd MARCH, 1929.

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LEGISLATIVE ASSEMBLY.

Friday, 22nd March, 1929

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

DATES FROM WHICH REDUCTIONS IN FREIGHTS ANNOUNCED IN THE RAILWAY BUDGET WILL BECOME EFFECTIVE.

1174. ***Sir Purshotamdas Thakurdas**: Will Government be pleased to state the dates from which reductions in freight rates announced by the Honourable the Commerce Member in his Railway Budget this year are to come into force?

The Honourable Sir George Rainy: The reductions, with the single exception of coal, will come into force from the 1st of April next. I am afraid there will be a slight delay as regards coal, as the revised rates from collieries to stations to which traffic is booked, are still being worked out. As soon as the new rate tables are ready, the new rates will be brought into force.

Sir Purshotamdas Thakurdas: Can the Honourable Member indicate approximately the date when the new rates for coal will come into force?

The Honourable Sir George Rainy: I am afraid that any date I could give would be misleading.

Sir Purshotamdas Thakurdas: Not even approximately?

The Honourable Sir George Rainy: I certainly hope it will not be very long.

Sir Purshotamdas Thakurdas: May I take the 1st of May will do?

The Honourable Sir George Rainy: Not later than the 1st May. I would like it to be understood however that I can give no absolute promise.

INVIDIOUS DISTINCTIONS BETWEEN INDIANS AND EUROPEANS IN THE MATTER OF ACCOMMODATION IN RAILWAY COMPARTMENTS.

1175. ***Maulvi Muhammad Yakub**: (a) Has the attention of Government been drawn to a letter of Mr Chandra Dutta Pandey, Professor, Kashi Vidyapith, Benares, published in the *Leader*, dated the 6th March, 1929?

(b) What action, if any, have Government taken in this matter? If not, why not?

(c) Do invidious distinctions exist between Indians and Europeans in the matter of accommodation in the Railway compartments? If so, do Government propose to take immediate steps to abolish these distinctions?

Mr. P. R. Rau: (a) Yes.

(b) and (c) No action has been taken by Government on this letter, as it does not disclose any infringement of the expressed policy of Government, which was fully explained in the speech of the Honourable Sir Charles Innes in this House on the 30th of January, 1925. The position at present is that, on a few railways, one small third class compartment is reserved for Europeans and Anglo-Indians on mail and fast passenger trains, and that Railways have been instructed to raise no objection to passengers wearing European dress occupying such a compartment.

DISMISSAL BY AN OFFICIAL OF THE EAST INDIAN RAILWAY AT MORADABAD OF FIVE EX-ODUH AND ROHILKHAND RAILWAY EMPLOYEES.

1176. *Maulvi Muhammad Yakub: (a) Are Government aware that one, Mr. Abel, a Running Shed Foreman at Moradabad, was charged for abusing a subordinate of his before a Magistrate? Are Government also aware that on the discharge of Mr. Abel by the Court, the complainant and five prosecution witnesses were dismissed from service by the Divisional Superintendent of Moradabad? Is it a fact that the Divisional Superintendent is an East Indian Railway official and the accused and his five witnesses were all old Oudh and Rohilkhand Railway employees?

(b) Do Government propose to take any steps in the matter? If not, why not?

Mr. P. R. Rau: I am making inquiries from the Agent and will communicate with the Honourable Member on receipt of his reply

PROVISION OF HINDU COOKS AND WATERMEN FOR DRIVERS' RUNNING ROOMS AT ALIGARH AND LHAKSAR.

1177. *Maulvi Muhammad Yakub: Are Government aware that Hindu cooks and watermen have been removed from the drivers' running rooms, Aligarh and Lhaksar, to the great inconvenience of the drivers, firemen, etc.? If so, do Government propose to issue orders for providing at least one servant in each of these rooms?

Mr. P. R. Rau: Government have no information, but I am sending a copy of the Honourable Member's question to the Agent

APPOINTMENT BY THE EAST INDIAN RAILWAY OF HIGHLY PAID EUROPEAN RUNNING SHED FOREMEN IN PLACE OF PREVIOUS INDIAN SHEDMEN AT CERTAIN STATIONS IN THE MORADABAD DIVISION.

1178. *Maulvi Muhammad Yakub: Are Government aware that during the administration of the old Oudh and Rohilkhand Railway, Indian Shedmen getting salaries from Rs. 80 to Rs. 120, were posted at Bareilly, Dehra Dun and Khan-alam Pura in the Moradabad Division, and since the administration of the East Indian Railway, European Running Shed Foremen, drawing salaries from Rs. 500 to Rs. 600, are posted on the stations mentioned above to do the same work? Will Government be pleased to state what is the reason for appointing high salaried European Foremen when Indians are available to do the same work on a smaller salary?

Mr. P. R. Rau: Government have no information, but are inquiring into the matter

**PROVISION OF HIGH SCHOOLS FOR THE CHILDREN OF RAILWAY EMPLOYEES
AT MORADABAD AND LUCKNOW.**

1179. *Maulvi Muhammad Yakub: (a) Are Government aware that there are no high schools for the education of the Indian Railway employees' children at Moradabad and Lucknow where the population of Indian Railway employees is sufficiently large?

(b) Do Government propose to issue orders for opening high schools inside the colony of the Indian employees at the stations mentioned above?

Mr. P. R. Rau: (a) Yes

(b) No. I would refer the Honourable Member to the statement of the future policy of Government in this matter, which was laid on the table of the House on 19th February, 1929

GRIEVANCES OF INDIAN TRAIN EXAMINERS.

1180. *Maulvi Muhammad Yakub: (a) Are Government aware that two unqualified Europeans, Laveigne and Rose, were given direct appointments as train examiners in classes A and C, respectively, and the claims of old experienced and qualified Indian train examiners, namely, Messrs. Mulak Raj, Khumani Singh and Sardar Kehar Singh, were ignored?

(b) What steps do Government propose to take to remove the grievances of the above-mentioned Indian train examiners? If not, why not?

Mr. P. R. Rau: Government have no information but are making inquiries

**FIXING OF A DATE FOR THE PAYMENT OF SALARIES OF INDIAN EMPLOYEES
IN CERTAIN DEPARTMENTS IN THE MORADABAD DIVISION OF THE
EAST INDIAN RAILWAY.**

1181. *Maulvi Muhammad Yakub: (a) Are Government aware that Indian Railway employees in the Moradabad Division belonging to the Engineering, Loco. and Traffic Departments do not receive their monthly salary until the 3rd week of the next month, and no date is fixed for the payment of their salary, as is done in the case of European and Anglo-Indian employees?

(b) Do Government propose to issue instructions that a date should be fixed for the payment of salaries to these employees and that in no case should the payment be delayed after the first week of every month?

Mr. P. R. Rau: I have asked the Agent, East Indian Railway, to let me have a statement of the exact position, and shall communicate with the Honourable Member on receipt of a reply

NUMBER OF MUSLIMS EMPLOYED IN THE MILITARY ACCOUNTS DEPARTMENT

1182. *Mr. Muhammad Ismail Khan: (a) Is it not a fact that 4,573 clerks are employed in the Military Accounts Department and that of these only 382 are Muslims?

(b) Do Government intend to adopt special measures to increase the number of Muslim clerks and accountants, and if so, how do they propose to do it? Do Government intend (i) to confine the future direct-filling up of temporary clerks' vacancies to Muslims only, and (ii) to reserve an adequate number of vacancies in the posts of accountants for qualified Muslim clerks of the Department, till their representation in the Department reaches the desired limit?

The Honourable Sir George Schuster: (a) The figures quoted by the Honourable Member represent the total number of accountants and clerks—permanent and temporary—employed in the Military Accounts Department throughout India in September, 1928. There has been no material change since that date.

(b) Under existing orders, vacancies in the accountants' grade are filled by promotion of clerks who have passed the prescribed Departmental examination, and vacancies in the permanent clerical grade are filled by the promotion of qualified temporary clerks, of whom large numbers exist, who have served for several years in the Department. Other qualifications being equal, such promotions are made in order of seniority, irrespective of community. In at least one out of every three temporary vacancies, for which fresh recruitment is necessary, a member of a minority community is entertained, if available and duly qualified. It will thus be seen that eventually one out of every three permanent appointments will pass to a member of such a community. This represents the policy adopted by the Government of India after most careful consideration.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether, in view of the paucity of Anglo-Indians in this Department, he would consider the desirability of sending a copy of the Government Gazette announcing these appointments to the Principals of the several European schools in India and Burma?

The Honourable Sir George Schuster: I think I must ask my Honourable friend for notice of that question, Sir.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us on what statutory or other basis do Government fix the nomenclature of the majority or minority communities in India?

The Honourable Sir George Schuster: I think that also is a question which I will be glad if my Honourable friend will give me notice of. I am not prepared to answer it off-hand.

EMPLOYMENT OF MUSLIMS IN THE GENERAL SECTION OF THE MILITARY ACCOUNTS DEPARTMENT.

1183. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to refer to the list of the establishment of the Military Accounts Department in India and state:

(a) the number of Muslim clerks and accountants deputed to work in the general section in the Department in the years 1926, 1927 and 1928; and

(b) why, with one or two exceptions, qualified Muslim clerks and accountants have not been allowed to work in those sections?

The Honourable Sir George Schuster: (a) The number of Muslim Accountants and clerks employed in the general sections of the offices of the Military Accounts Department during 1926, 1927 and 1928 was as shown below:

				Accountants.	Clerks.
1926	..	..	..	2	5
1927	..	..	..	1	4
1928	..	..	..	1	1

(b) Muslim members of the Military Accounts Department are in no way debarred from employment in the general sections of the offices of the Department. The distribution of establishment amongst the various sections of an office is a matter of internal administration, which is left to the head of each office, according to what he thinks best in the interests of efficiency, and if no Muslim clerks happen to be employed in one particular section, it is purely a fortuitous circumstance.

PRINCIPLE ADOPTED FOR RECRUITMENT OF TEMPORARY CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

1184. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state on what communal principle the direct recruitment of temporary clerks is based in the Military Accounts Department in India?

The Honourable Sir George Schuster: The general principle is that, with due regard to the communal composition of any office from time to time, one out of every three vacancies should ordinarily be filled by a candidate from the minority communities, if available and adequately qualified.

NOTIFICATION OF TEMPORARY VACANCIES IN THE OFFICE OF THE CONTROLLER, MILITARY ACCOUNTS, PESHAWAR.

1185. ***Mr. Muhammad Ismail Khan:** Is it a fact that the Controller, Military Accounts, Peshawar, in paragraph 8 of his letter No. G /74/29671, dated the 9th November, 1928, addressed to the Local Association, has refused to notify vacancies of temporary clerks' appointments to that institution? If so, will Government be pleased to state whether the Controller's refusal is or is not a compliance with the instructions conveyed to him by the Financial Adviser in his letter No. 1482, dated the 13th February, 1926, on the subject?

The Honourable Sir George Schuster: Information has been called for and a reply will be furnished to the Honourable Member in due course.

APPOINTMENT OF MUSLIMS IN THE MILITARY ACCOUNTS DEPARTMENT.

1186. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state:

- (a) the number of vacancies of temporary clerks and accountants which occurred in the Military Accounts Department during the financial years 1926, 1927 and 1928, and the number of appointments given to the Muslims; and

- (b) what particular action have Government taken to bring the representation of Muslims in the service to the required proportion as instructed in general Circular Letter No. 33846/1 (A. D.), dated the 19th November, 1926, from the Establishment Officer, Government of India, Army Department, to all heads of Military Departments in India?

The Honourable Sir George Schuster: The particulars required by the Honourable Member are being collected and will be furnished to him in due course. They will indicate how far it has been possible to carry out, in the Military Accounts Department, the particular orders of Government to which the Honourable Member has referred.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE CONTROLLER, MILITARY ACCOUNTS, PESHAWAR.

1187. ***Mr. Muhammad Ismail Khan:** Will Government be pleased to state:

- (a) the number of vacancies of temporary clerks which occurred in the Office of the Controller, Military Accounts, Peshawar, in the past four months; and
- (b) if it is not a fact that only one Muslim candidate was taken from among twelve graduates, etc., recommended by the Local Muslim Association?

The Honourable Sir George Schuster: The necessary information has been called for and will be furnished to the Honourable Member as soon as possible.

EDUCATIONAL QUALIFICATIONS FOR RECRUITS IN THE MILITARY ACCOUNTS DEPARTMENT.

1188. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that the Financial Adviser (Military Finance) in paragraph 6 of his letter No. 565-Accounts, dated the 15th October, 1928, addressed to the Military Accountant General, has issued the following instructions:

"The Government of India desire that in the interests of the efficiency of the Military Accounts Department particular attention should, hereafter, be paid by the Controllers to the educational qualifications of candidates and that every endeavour should be made by them to recruit, in future vacancies wherever possible, men who have passed the B. A. or Intermediate examinations in preference to those with the minimum educational qualifications referred to above."

(b) If so, have Government considered the present backward condition in education of Muslims generally and of those residing in the North West Frontier Province, and Baluchistan particularly, and the hardship which will be entailed on them if the large number of matriculates are not allowed to be admitted in the Department as heretofore? If not, are Government prepared to do so, and to relax the restrictions referred to above so far as the two provinces mentioned above are concerned?

The Honourable Sir George Schuster: The reply to the first part is in the affirmative. I must, however, take occasion to point out that an irregularity has apparently occurred in the placing in the Honourable

Member's hands of a copy of the Finance Member's letter which has not been published, and in such a case I should have preferred the Honourable Member to refer to me privately before putting a question.

In regard to the second part of the question the Honourable Member will observe that the orders are not absolute, but leave discretion to the appointing authority so that he could select men with the minimum qualifications in localities where candidates with higher qualifications are not forthcoming. I am prepared to make inquiries as to how the instructions, referred to have operated in practice.

CONGESTION OF PESHAWAR CITY.

1189. ***Mr Muhammad Ismail Khan:** (1) Is it a fact that.

- (a) a house to house search was recently conducted in the town of Peshawar under the orders of the Chief Medical Officer, North West Frontier Province, and it was discovered that 3,000 tuberculosis cases had actually been present in that city; and
- (b) the Chief Medical Officer has given congestion of the city as one of the main reasons for the spread of tuberculosis and has asked for a special hospital at Peshawar, and a sanitarium at Haripur?

(2) Will Government be pleased to state when the wall round Peshawar City was built and by how much the population has increased within its enclosures since its construction?

(3) Is it a fact that

- (a) since the wall was built, no efforts were ever made to remove the congestion by expansion of the city?
- (b) owing to insecurity of life and property, no one can reside outside the wall and start an extension of the town unless and until the area is first made secure by barbed wire perimeter and police patrol and postal arrangements?
- (c) the Cantonment of Peshawar is being guarded as mentioned in (b) above?

(4) Is it a fact that the Municipality has decided to add about 20 acres of land to the city and, if so, how many houses can be built thereon?

(5) Have Government considered whether this is adequate to prevent the present congestion?

Mr. G. S. Bajpai: (1) (a) and (b) Yes

(2) The required information is not readily available.

(3) (a) A scheme for the extension of the Peshawar City is under consideration

(b) A large number of persons actually reside outside the wall of the city of Peshawar.

(c) The Cantonment of Peshawar is surrounded by a perimeter wire.

(4) The city extension scheme at present under consideration is intended to provide for the addition of about 20 acres of land and 400 houses.

(5) Experience alone can show, Sir, whether the proposed extension is adequate. Honourable Member must also recognise that the measure of the relief which the Municipality can provide depends upon its financial resources. Government propose, however, to ask the Local Administration for a full report on the subject.

FOUNDING A CIVIL STATION OUTSIDE PESHAWAR CITY.

1190. ***Mr. Muhammad Ismail Khan:** (a) Is it not a fact that the Deputy Secretary, and subsequently the Secretary to the Government of India, Military Department, proceeded to Peshawar to discuss the matter of accommodation in Peshawar Cantonment with the House Owners' Association?

(b) Is it not a fact that it was proposed by the Secretary to the Government of India, Military Department, at the interview that the military authorities will arrange with the Local Government for the formation of a civil station and for such guarding and other arrangements of the same as the Cantonment itself if the house-owners so wished?

(c) Will Government be pleased to state whether they have decided to found a civil station outside Peshawar City or not?

Mr. G. M. Young: The Honourable Member is referred to the answer given in this House on the 18th March 1929 to parts (d), (e) and (f) of starred question No 1104 asked by Diwan Chaman Lall, and the answer just given by my Honourable friend the Education Secretary.

ACQUIREMENT OF PROPERTIES FOR MILITARY OFFICERS AND OFFICES IN INDIA.

1191. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state how many properties they acquired under section 11 (c) of the Defence of India (Consolidated) Rules, 1915, for the occupation of military officers and offices in India?

(b) Have they paid compensation in all cases?

(c) How many claims were rejected?

(d) Were there any claims from the lessees conveyed under section 105 of the Transfer of Property Act?

(e) If so, why were such also rejected?

(f) Will Government be pleased to place the draft rules and other connected papers on the table of the House?

Mr. G. M. Young: I presume the Honourable Member is referring to the acquisition of certain houses in Poona under the Defence of India Rules in 1917 and 1918. If so, the replies to the various parts of his question are as follows:

(a) 23

(b) Yes.

(c) None.

(d) Yes.

(e) Because Rule 11-C (2) of the Defence of India (Consolidated) Rules, 1915, provided for the payment of compensation to the owner of a building requisitioned for military purposes and not to the lessee.

(f) Copies of the Rules can be obtained on payment from the Manager, Central Publication Branch, Calcutta Government are not prepared to lay the papers underlying these rules on the table of the House.

CIRCULATION OF THE REPORT OF THE FLETCHER COMMITTEE ON MEDICAL RESEARCH

1192. *Mr. Sarabhai Nemchand Haji: (a) Will Government be pleased to state whether the Report of the Fletcher Committee on Medical Research had been circulated for opinions amongst several Provincial Governments, universities and the medical profession in India before any decision on matters of policy and administrative details were arrived at?

(b) If such opinions have been received, will Government be pleased to lay them on the table of the House, showing how far the opinions received have been given effect to?

(c) If the opinions have not been given effect to, will Government please state the reasons why such expert opinions have been disregarded?

Mr. G. S. Bajpai: (a), (b) and (c) The Honourable Member is referred to my reply to part (b) of starred question No 1054 asked by Mr Aney on the 14th instant.

AMOUNT OF SUNDAY PENALTY FEES COLLECTED AT CERTAIN PORTS DURING THE LAST FIVE YEARS, AND METHOD OF ITS ALLOTMENT.

1193. *Mr. Sarabhai Nemchand Haji: Will Government be pleased to state:

(a) the amount collected as Sunday penalty fees at the ports of Bombay, Karachi, Calcutta, Madras and Rangoon during each of the last five years;

(b) the amount contributed at each of the ports during the last five years out of the Sunday penalty fees fund towards institutions connected with the welfare of (i) Indian seamen, (ii) European seamen and (iii) Customs officers?

The Honourable Sir George Schuster: A statement giving, as far as possible, the required information is laid on the table. The names of the Seamen's and other institutions which receive grants from Sunday penalty fees have been given in the statement. Some of the institutions, as their names indicate, are concerned with the welfare of Indian lascars and some with that of European seamen. As regards others, the Government of India are unable to say definitely which of them confine their welfare activities to Europeans alone, or to what extent they include Customs officers among the beneficiaries.

Statement showing the Sunday penalty fees realized at the principal ports during the last five years and contributions made therefrom to charitable institutions and Customs Clubs.

—	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
	Rs.	Rs.	Rs.	Rs.	Rs.
BOMBAY.					
Fees realized	79,200	59,150	56,450	71,800	1,00,000*
Payments to officers out of the fees (including Crown overtime).	56,071	66,217	66,659	68,644	80,000*
Balance available for payments to charities, Customs Clubs, etc.	23,129	—7,067	—10,209	3,156	20,000
Payments to charities, etc.—					
Lascars' Home . . .	10,000	10,000	10,000	5,000	10,000
Prince of Wales Seamen's Institute.	3,000	3,000	3,000	1,500	3,000
Bombay Education Society	..	..	..	..	1,000
Customs Institutions .	12,200	7,200	7,200	10,700	10,700
Total payments .	25,200	20,200	20,200	17,200	24,700
KARACHI.					
Fees realized	15,000	7,400	11,800	20,000	21,000*
Payments to officers out of the fees (including Crown overtime).	42,000	60,149	53,589	49,504	38,000*
Balance available for payment to Charities, Customs Clubs, etc.	—27,009	—52,749	—41,789	—29,504	—17,000
Payments to charities, etc.—					
Customs Recreation Club .	2,520	2,520	2,520	..	2,520
Maternity and Child Welfare Centre, Keamari.	1,000	1,000	1,000	1,000	1,000
Civil Hospital Aid and Nursing Association, Karachi.	..	..	2,000	..	2,000
Total payments .	3,520	3,520	5,520	1,000	5,520

* Estimated amount.

	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
CALCUTTA.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees realized	1,47,010	1,27,640	1,50,960	1,94,840	1,78,000*
Payments to officers out of the fees (including Crown over-time).	88,853	87,011	97,527	93,023	90,000*
Balance available for payments to Charities, Customs Clubs, etc.	58,157	40,629	53,433	1,01,817	88,000
Payments to charities, etc.—					
Customs Club, etc. . . .	..	11,760	11,760	11,700	11,520
Sailors' Home	†10,000	..	..	..	..
Medical Aid Fund	†10,000	..	..	..	..
Diocesan Seamen's Institute.	†5,500	..	..	..	..
District Charitable Society.	†14,500	†7,500	..	..	..
Seamen's Mission, Kidderpore.	†4,500	..	..	..	..
Bengal Welfare Committee . .	..	32,000	35,000	30,000	30,000
Charitable Dispensaries at the Budge Budge and Kidderpore Docks.	280	280	280	280	280
Total payments	44,780	51,540	47,040	41,980	41,800
MADRAS.					
Fees realized	11,200	27,025	27,675	41,800	50,000*
Payments to officers out of the fees (including Crown over-time).	25,261	36,411	43,079	40,546	41,200*
Balance available for payments to charities, Customs Clubs, etc.	—14,061	—9,386	—15,404	1,254	8,800
Payments to charities, etc.—					
Customs Benefit Fund . . .	..	1,000	1,000	1,000	2,000
Port Staff Club	..	2,000	2,000	1,000	1,000
Total payments	..	3,000	3,000	2,000	3,000

*Estimated amount.

Distribution now made through Bengal Welfare Committee.

	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
	Rs.	Rs.	Rs.	Rs.	Rs.
RANGOON AND OUTPORTS.					
Fees realized	97,655	1,11,300	1,11,950	1,67,900	1,45,000*
Payments to officers out of the fees (including Crown over-time.)	27,748	70,830	48,286	35,092	35,800*
Balance available for payments to Charities, Customs Clubs, etc.	69,907	40,470	63,664	1,32,808	1,09,200
Payments to charities, etc.—					
Customs Institutions .	15,000	15,000	15,000	15,000	15,000
Mayo Marine Institute, Rangoon.	6,000	6,000	6,000	6,000	1,66,200†
Mayo Marine Institute, Moulmein.	2,500	2,500	2,500	..	.
Seamen's Mission, Rangoon	3,000	3,000	5,500	5,500	5,500 ..
General Hospital, Rangoon	2,000	2,000	2,000	2,000	2,000
General Hospital, Akyab .	500	500	500	500	500
General Hospital, Tavoy .	120	120	120	240	..
General Hospital, Mergui .	400	..	400	400	..
Port Commissioners' Dispensary, Rangoon.	1,200	1,200	1,200	1,200	1,200
Seamen's Burial Fund, Moulmein.	250	250	250	250	250
Volunteers' Club, Akyab .	750	750	750	750	750
Volunteers' Club, Bassein .	500	500	500	500	..
Seafarers' Club, Bassein .	1,800	1,800	1,800	1,800	1,800
Y. M. C. A., Rangoon .	600	600	..	..	..
Bassein Town Club . .	..	..	..	..	500
Total payments .	34,620	34,220	36,520	34,140	1,93,700

*Estimated amount.

†Includes (a) the special grant of Rs. 98,500 made during 1928-29 out of past surplus of Sunday fees, and (b) the value of paper securities (Rs. 61,700) transferred to the Institute.

AMOUNT ALLOTTED TO THE MAYO MARINE INSTITUTE, RANGOON, FROM THE
SUNDAY PENALTY FEES FUND.

1194. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state the amount that they propose to contribute to the Mayo Marine Institute, Rangoon, during the current year or the next year out of the Sunday penalty fees fund?

(b) Will Government be pleased to state if it is a fact that the Rangoon Port Trust has promised a grant of Rupees one lakh to the Mayo Marine Institute?

The Honourable Sir George Schuster: (a) The Government of India have made a grant of Rs 98,500 to the Mayo Marine Institute out of Sunday penalty fees during the current year and have also transferred to it paper securities valued at Rs 61,700, being the accumulated surplus of Sunday fees in Burma, prior to 1924-25. The Government of India expect to make a grant to the Institute out of Sunday fees next year also; but they are not committed as to the amount to be paid. The Government have undertaken to review generally the question of the disposal of these fees in consultation with the Standing Finance Committee.

(b) The Collector of Customs, Rangoon, has reported that such a grant has been promised by the Rangoon Port Trust.

CONTRIBUTIONS BY PORT TRUSTS TO INSTITUTIONS MAINTAINED FOR THE
BENEFIT OF INDIAN SEAMEN.

1195. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state if the Port Trusts at Bombay, Calcutta, Karachi, Rangoon and Madras have contributed any sum to institutions connected with the welfare of Indian seamen; and if so, how much and for what year?

The Honourable Sir George Rainy: The information is being collected and will be supplied to the Honourable Member in due course.

Mr. Gaya Prasad Singh: Will the information be laid on the table of the House?

The Honourable Sir George Rainy: I can see no objection. I shall be prepared to lay it on the table.

SUBMISSION TO THE GOVERNMENT OF INDIA OF THE REPORT OF THE LOAD
LINE COMMITTEE.

1196. ***Mr. Sarabhai Nemchand Haji:** (a) Has the attention of Government been drawn to the reply given by Sir Phillip Cunliffe-Lister, President of the Board of Trade, in the House of Commons on the 11th December, 1928, to the effect that "When the revision of the Load Line Rules is completed, it will be sent to the Dominions and foreign Governments for their consideration"?

(b) Will Government be pleased to state why India has been omitted from the list of countries to which this Report of the Load Line Committee is to be sent?

(c) Do Government propose to take steps to see that the revised Load Line Rules are sent to the Government of India for their consideration?

The Honourable Sir George Rainy: (a) Government have seen the reply in the House of Commons Debates.

(b) and (c) I think the Honourable Member may rest assured that a copy of the Report of the Load Line Committee will be sent to the Government of India

CLAIMS OF INDIAN SEAMEN WHO SUFFERED BY ENEMY ACTION DURING THE WAR.

1197. *Mr. Sarabhai Nemchand Haji: (a) Has the attention of Government been drawn to the Resolutions passed at the last General Meeting of the Indian Seamen's Union held at Calcutta in connection with the payments to Indian seamen under the German Reparation award of the 1st September, 1922?

(b) Is it a fact that the Indian Seamen's Union, who, in this connection, represented the claim of the Indian seamen, were not informed of the last date fixed by Government for submission of claims under the award?

(c) Is it moreover a fact that most of the Indian seamen likely to benefit under the award were absent on the high seas for long periods?

(d) Do Government propose, under the circumstances, to issue instructions for the acceptance by the offices concerned, of the claims of Indian seamen who suffered by enemy action during the Great War though they are received after the fixed date?

The Honourable Sir Brojendra Mitter: (a) The reply is in the affirmative

(b) The Government of India left it to the Shipping Master, Calcutta, to notify the last day for submitting claims. He reported that he had done so by fixing notices on the office Notice Boards at the Calcutta and Kidderpore Shipping Offices. He did not forward the notice to the Indian Seamen's Union as office bearers of the Union are frequently in attendance at the Shipping Offices and are conversant with all notices posted on the Office Notice Boards.

(c) It is probable that many seamen eligible to receive compensation have been absent at sea for long periods during the time in which claims could have been submitted, but it is improbable that any of them have been absent all the time.

(d) After careful consideration of all the circumstances, however, the Government of India have decided to fix the 31st March, 1931, as the final date for the receipt of claims from lascar seamen, and instructions are being issued to the Shipping Master, Calcutta, for the publication by him of the necessary notice and to inform the Seamen's Union concerned of the extension granted.

Mr. K. Ahmed: Do Government propose to invite applications by advertisement in the vernacular papers in the locality of these places, in East Bengal and Assam particularly, where these lascar seamen exist in large numbers, so that they may be able to know within which time they are to submit applications for their claims?

The Honourable Sir Brojendra Mitter: The suggestion made will be communicated to the Shipping Master, Calcutta.

AMOUNT OF CLAIMS AGAINST ENEMY POWERS MADE AND OBTAINED BY (1)
INDIAN SEAMEN AND (2) OTHER SEAMEN.

1198. *Mr. Sarabhai Nemchand Haji: Will Government please state the total amount claimed, obtained and distributed from the enemy powers on account of:

(a) seamen within the British Empire irrespective of race or colour; and

(b) Indian seamen?

The Honourable Sir Brojendra Mitter: (a) The figures are not available.

(b) The number of claims on behalf of Indian Seamen received by the Government of India was 766, and their value was Rs. 5,23,942. The amount awarded on these claims was Rs 2,15,161.

Mr. K. Ahmed: In view of the fact that a large number of these seamen are engaged in the seagoing vessels throughout the world, do Government propose to take sufficient steps, by comparison of the number of seamen in other countries, and see that an adequate distribution of these awards is made?

The Honourable Sir Brojendra Mitter: The suggestion does not seem to be reasonable (Laughter)

Mr. K. Ahmed: Is it not a fact that a duty devolves upon Government to see that an adequate amount of reparations is equally divided among all the Indian seamen, many of whom lost their lives during the great war?

The Honourable Sir Brojendra Mitter: That is precisely what is being done

RESULT OF SUIT BROUGHT BY THE MAHARAJADHIRAJA OF DARBHANGA
AGAINST THE INCOME-TAX DEPARTMENT.

1199 *Kumar Ganganand Sinha: (a) Are Government aware that some time ago, in the Province of Bihar and Orissa, the Honourable Maharajadhiraja Bahadur of Darbhanga instituted a suit against the Income-tax Department and made serious allegations against the Assistant Commissioner?

(b) What became of the suit?

(c) Was it withdrawn by the plaintiff?

(d) If so, what action has been taken, or is under contemplation, against the plaintiff for making serious allegations against a public official?

(e) If, on the other hand, Government allowed the suit to be withdrawn on being satisfied about the truth of the allegations made by the plaintiff, what action has been taken against the official concerned? If no action has been taken, why has it not?

(f) Will Government be pleased to state the full circumstances of the case and how it terminated, and lay on the table of the House a copy of the correspondence on the subject?

The Honourable Sir George Schuster: (a) Yes. Two suits were instituted, in the first of which serious allegations were made against the Assistant Commissioner of Income-tax.

(b) and (c). Both suits were withdrawn by the plaintiff.

(d) No action has been taken by the Government, or is contemplated, against the plaintiff.

(c) The suits were withdrawn by the plaintiff of his own free will, and not at the suggestion of the Government. The implication in the Honourable Member's question that the Government were satisfied about the truth of the allegations made against the Assistant Commissioner is entirely without foundation. When the suits had been withdrawn, the Commissioner of Income-tax attempted to hold a departmental inquiry into the allegations, but both the Maharajadhiraja and his agent, B. Munchswari Prasad, who was the most important witness for the inquiry, declined to appear. The departmental proceedings were accordingly abandoned.

(f) Owing to the provisions of Section 54 of the Indian Income-tax Act, 1922, the Government are unable to state any details regarding an assessment to income-tax. It is true that certain details were disclosed in the plaints themselves, but the statements made in the plaints were not necessarily admitted. All that can be stated in reply to the question is that the plaintiff being aggrieved, first at a particular assessment, and secondly at the substantial penalty imposed for delay in payment, applied for and obtained a temporary injunction from a Civil Court against the realisation of the sums in question. Two suits were then filed for a permanent injunction, the first against the Commissioner of Income-tax, the Assistant Commissioner and the Income-tax Officer, the second against the Secretary of State. The suits were withdrawn without any admission by either party, while the plaintiff paid the demand of income-tax and super-tax and also five per cent. of the penalty imposed on him for delay. He also reimbursed the costs incurred by the Government. The Government are not prepared to lay the correspondence in this case on the table.

Kumar Ganganand Sinha: Is it not customary that, when serious allegations are made against any public servant, he is allowed to vindicate his character in a Court of Law?

The Honourable Sir George Schuster: The public servant was sufficiently vindicated by the withdrawal of the suit and the admission implied by that withdrawal that the charges were improperly drawn up.

Mr. B. Das: Did I understand the Honourable Member to say that the allegations that were made against certain public servants were not true? Did the Government make any inquiry about those allegations?

The Honourable Sir George Schuster: I am not quite certain as to what my Honourable friend said, but from what I understand him to say, I do not think he has listened to my answer.

Mr. B. Das: Is it not a fact that there was pressure applied on the Maharaja of Darbhanga to withdraw the charges against the income-tax

officers? Is the Honourable gentleman aware that, during the discussion on the Income-tax Bill last session at Simla, I repeated those serious charges which were published in the Press, and they were published in the Assembly Debates. And did Government take any action thereon and inquire into the allegations against the officers?

The Honourable Sir George Schuster: I understand my Honourable friend says that he himself repeated the charges on two occasions. I must have notice of this question, because I was not aware of the fact, and I should like to see for myself the terms in which he repeated those charges, and the way in which those charges were published.

Mr. K. Ahmed: Is it not a fact, Sir, that those charges alleged by my Honourable friend were found to be without any basis? (Laughter.)

NAMES AND QUALIFICATIONS OF EUROPEAN OFFICERS OF THE ARCHÆOLOGICAL DEPARTMENT.

1200. *Kumar Ganganand Sinha: (a) Will Government be pleased to state the names of the European officers in the Archæological Department, their designation, the nature of work which they perform, whether they have expert knowledge of any of the oriental languages, and the scripts, or rudimentary knowledge of all of them? If so, of what language and script have they such knowledge and what special qualifications have they, if any, for which they were appointed in the Department?

(b) Will Government be pleased to state how many archæological discoveries have been made by the present European officers of the Archæological Department, especially by the Director General and the Deputy Director General, and will the Government be pleased also to state what those discoveries are?

(c) What is the policy pursued by the Government in the matter of appointment of officers in the Archæological Department?

(d) Will Government be pleased to state whether the work of this Department came to be reviewed by any Committee or Commission appointed to investigate the question of public services after the Public Service Commission of 1886-87? If so, how many times and when?

Mr. G. S. Bajpai: (a) A statement giving the information desired by the Honourable Member is placed on the table.

(b) For details of the discoveries made, I must refer the Honourable Member to the Annual Reports of the Department for the years mentioned in the list, which I place on the table, and to the Memoirs and other publications of the Department. (Applause.)

(c) The policy of Government is to appoint Indians to the Department as far as possible.

(d) The work of the Department came under review after the years mentioned by the Honourable Member to the same extent as that of other Departments, e.g., by the Indian Retrenchment Committee of 1922-23 and the Royal Commission on the Superior Civil Services in India 1924.

A statement giving the names, designation, the nature of work, etc., of European Officers in the Archaeological Department.

Name.	Designation.	Nature of work.	Knowledge of Oriental Languages and Scripts.	Special Qualifications.
1. Sir John Marshall, Kt., C.I.E., M.A., Litt.D., F.S.A.	Director General of Archaeology on Special Duty.	Research in Art, Architecture, Ancient History, Pre-Historic culture, etc., etc.	Hindustani	Archaeologist.
2. H. Hargreaves, Esquire .	Officiating Director General of Archaeology in India.	Administration of the Department and General Archaeological Research.	Hindustani	Archaeologist.
3. J. F. Blakiston, Esquire .	Deputy Director General of Archaeology in India.	Administration and conservation of monuments.	Hindustani	Architect.
4. A. H. Longhurst, Esquire .	Superintendent, Archaeological Survey, Southern Circle.	Conservation of monuments, Architectural Research and exploration.	Hindustani.	Architect.
5. Mons. Chas. Duroiselle, M.A. .	Superintendent, Archaeological Survey, Burma Circle.	Conservation of monuments, exploration.	Sanskrit, Pali, and Burmese.	Archaeologist and Epigraphist.
6. J. A. Page, Esquire, A.R.I.B.A.	Superintendent, Archaeological Survey, Central Circle.	Conservation and exploration.	Hindustani .	Architect.
7. E. J. Mackay, Esquire, M.A., F.S.A.	Assistant Superintendent for exploration.	Exploration	Arabic .	Archaeologist.

List showing excavations carried out by European Officers of the Archaeological Department.

1. By Sir John Marshall at :—

Charsada	1902-03.
Rajgir	1905-06.
Sarnath	1906-07.
"	1907-08.
Mandor and Sahet Maheth	1908-09.
Bhita	1909-10.
Taxila	1912-13.
Sanchi and Taxila	1913-14.
" " "	1914-15.
" " "	1915-16.
" " "	1916-17.
Taxila	1919-20.
"	1920-21.
"	1922-23.
"	1924-25.
Mohenjo-daro	1925-26.
Taxila	1927-28.

2. By Mr H. Hargreaves at :—

Shahhi-ki-dheri and Takht-i-Bahi	1910-11.
Sarnath	1914-15.
Monolithio Temples at Masrur in the Punjab	1915-16.
Jamalgarhi	1920-21.
"	1922-23.
Sampur at Mastung and Nal in Baluchistan	1924-25.
Mohenjo-daro	1925-26.
Lahore Fort	1926-27.

3. By Mr. A. H. Longhurst at :—

A rock out tomb near Calicut	1911-12.
Kudatini in the Bellary District	1912-13.
Vijayanagar and Udayagiri in the Madras Presidency	1916-17.
Nagarjunikonda and Gummuddiduru	1927-28.
" " "	1928-29.

4. By Mons. Chas. Duroiselle at :—

Hmawza (Old Prome)	1911-12.
Pagan	1912-13.
Sameikshe	1921-22.
Old Prome	1923-24.
" " "	1924-25.
" " "	1925-26.
" " "	1926-27.
" " "	1927-28.
" " "	1928-29.

5. By Mr. J. A. Page at :—

Nalanda	..	..	..	..	..	..	1921-22
"	..	..	..	..	..	..	1922-23.
"	..	..	..	..	..	..	1923-24.
"	..	..	..	..	..	..	1924-25.
"	..	..	..	..	..	..	1925-26
"	..	..	..	..	..	..	1926-27.
"	..	..	..	..	..	..	1927-28.
"	..	..	..	..	..	..	1928-29.

6. Mr. E. J. Mackay at :—

Mohenjo-daro	..	..	..	..	..	..	1926-27.
"	..	..	..	..	..	..	1927-28.
"	..	..	..	..	..	..	1928-29.

RECOMMENDATIONS OF THE PUBLIC SERVICE COMMISSION REGARDING THE TRAINING OF NATIVE STUDENTS IN EPIGRAPHY.

1201. *Kumar Ganganand Sinha: Has the attention of Government been drawn to the following paragraph on page 73 of the Report of the Public Service Commission of 1886-87.

"The only recommendation, therefore, which the Commission can offer in respect of this Department is that facilities should be given to a limited number of graduates of the Universities, sufficiently prepared, by previous study, to take advantage of the stipulation made by the Secretary of State in the engagement of Dr. Hultzsch that he should train native students in Epigraphy. Dr. Burgess states that Dr. Fuhrer would also probably be willing to undertake the training of a class. These students, when trained, would be able to deal with inscriptions, which would supplement the typical examples already carefully edited, and if no opportunity were available for their employment in archaeological inquiries, the instruction they had received would render their services more valuable as specialists in the Department of Education."

If so, will Government be pleased to state how far the spirit of the recommendations has been carried out?

Mr. G. S. Bajpai: Yes. The policy laid down in the paragraph has been followed with the result that 59 per cent. of the superior posts in the Archaeological Department are held by Indians. Scholarships are still given from time to time in order to keep up a supply of trained candidates for vacancies which, I hope my Honourable friend will recognise, in a small department do not occur too frequently.

CO-OPERATION OF INDIAN UNIVERSITIES AND SOCIETIES WITH THE ARCHAEOLOGICAL DEPARTMENT IN RESEARCH INTO THE PAST HISTORY OF INDIA

1202. *Kumar Ganganand Sinha: Have Government considered the question of inviting the co-operation of Indian Universities and societies for carrying on researches in the past history of India, so far as the work of the Archaeological Department is concerned? If so, with what results?

Mr. G. S. Bajpai: The question of inviting the co-operation of extra-departmental bodies in archaeological exploration and research is at present under consideration. Up till now the only instance in which an Indian

University or society has participated in the work of the Department, was in 1923, when the University of Calcutta and a certain research society carried out a joint trial excavation at Paharpur on a small scale

Kumar Ganganand Sinha: May I know since when this matter has been under consideration, Sir?

Mr. G. S. Bajpai: The matter, Sir, according to my information, has been under consideration for a series of years, not with special reference to this particular question of co-operation with ultra-departmental bodies, but in connection with the general question of amending the Ancient Monuments Protection Act, 1904, which is rather a complicated affair.

Mr. M. S. Aney: May I ask the Honourable Member if the Archaeological Department has ever been in correspondence with the Universities on this point?

Mr. G. S. Bajpai: I think, Sir, my Honourable friend did not altogether follow the answer that I gave. I said that this question of co-operation with the Universities has been taken up only recently.

Mr. M. S. Aney: Is it in correspondence with the University on this point? That is what I want to know.

Mr. G. S. Bajpai: No; it is not in correspondence with the University, because we are in correspondence with the Local Governments who, I think, will be in touch with the Universities on this point.

Kumar Ganganand Sinha: Is it a fact that the Archaeological Department is mainly concerned with the Ancient Monuments Protection Act and that it does not like to do much beyond that?

Mr. G. S. Bajpai: No, Sir, I am not prepared to admit that.

EXPENDITURE ON THE UPKEEP OF MONUMENTS AND ATTACHED GARDENS.

1203. ***Kumar Ganganand Sinha:** (a) Is it not a fact that three lakhs and seventy-seven thousand rupees have been allotted in the budget estimate for 1929-30 under the head "Annual maintenance and upkeep of monuments and attached gardens"? Will Government be pleased to state separately how much money is intended to be spent for each of these items?

(b) Will Government be pleased to state, why gardens are attached to ancient monuments, and what is usually the area of such gardens? Do these gardens bring any income to the Government or not?

(c) Will Government be pleased to state in detail the heads of expenditure under each of these items (Annual Maintenance, Upkeep of Monuments and Attached Gardens)?

Mr. G. S. Bajpai: (a) Yes. It is proposed to allot Rs. 2,47,800 to monuments and Rs. 1,29,200 to attached gardens.

(b) Gardens are not attached to the monuments but are either part of them or their appropriate setting. The area of such gardens varies. They bring in a small income from the sale of fruits and grass, etc.

(c) I regret that, in the time available, it has not been possible for me to obtain more detailed information than I have given in reply to part (a) of the question.

Kumar Ganganand Sinha: May I know what is the connection between archæology and garden?

Mr. G. S. Bajpai: Beauty, Sir.

The Revd. J. C. Chatterjee: May I ask the Honourable Member if he is aware that several of these monuments specially Humayun's Tomb near Delhi, are in a very unsatisfactory condition, and badly kept?

Mr. G. S. Bajpai: Do I understand my Honourable friend to say that the provision of Rs. 2,50,000 is inadequate?

The Revd. J. C. Chatterjee: May I know how much is available so far as monuments near Delhi are concerned?

Mr. G. S. Bajpai: If that is so, Sir, I shall communicate my Honourable friend's complaint to the Director-General of Archaeology.

HEADQUARTERS AND DUTIES OF MR. BLACKISTON, DEPUTY DIRECTOR OF ARCHÆOLOGY IN INDIA.

1204. ***Kumar Ganganand Sinha:** Will Government be pleased to state how many months in a year have been spent by Mr. Blackiston in excavation duty, and where are his headquarters as the Deputy Director of Archaeology in India?

Mr. G. S. Bajpai: The Deputy Director General of Archaeology is an administrative officer whose work is in the office of the Director General of Archaeology, which is an attached office of the Government of India, with headquarters at Delhi and Simla. He does not do any exploration work.

GRANT OF BENEFITS OF THE PROVIDENT FUND TO EMPLOYEES IN RAILWAY WORKSHOPS.

1205. ***Pandit Nilakantha Das:** (a) With reference to the reply given to my starred question No. 712 on the 23rd February, 1929, will Government be pleased to state the number of the workmen in the Bengal and North Western Railway Workshops who fulfil the conditions laid down in rule 6 (d) of the State Railway Provident Fund Rules and how many out of them are given the benefit of the Provident Fund?

(b) Will Government also give the same information with regard to other railway workshops?

Mr. P. R. Rau: (a) I understand daily-rated workmen on the Bengal and North Western Railway Workshops are not eligible to join the provident fund.

(b) Information is being collected.

PAYMENT OF RENT FOR QUARTERS BY WORKMEN ON THE BENGAL AND NORTH WESTERN RAILWAY.

1206. ***Pandit Nilakantha Das:** (a) Will Government be pleased to state whether the workmen of the Bengal and North Western Railway Workshops have to pay rent for the quarters supplied to them by the Railway?

(b) Do the workmen of other Railway Workshops at Lillooah, Jamalpur, Lucknow, Ajmer, Bombay, etc., pay rent for the quarters supplied to them by the Railway?

(c) Are there railway workshops where workmen are given free quarters?

Mr. P. R. Rau: The information required is being collected and will be communicated to the Honourable Member on receipt.

NUMBER OF INDIANS APPOINTED AS DEPUTY AUDITOR GENERAL DURING
A CERTAIN PERIOD.

1207. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state whether it is a fact that the post of the Deputy Auditor-General, Headquarters, is reserved for the European Members of the Indian Audit and Accounts Service?

(b) If not, how many Indians as compared with Europeans, have been appointed to this post during the last 15 years?

The Honourable Sir George Schuster: (a) No.

(b) Until a short time ago, there was only one post of Deputy Auditor-General at Headquarters, and that post has not, during the past 15 years, been held by an Indian. There has also been a post of Assistant Auditor-General at Headquarters on the same level of pay as the Deputy Auditor-General, and it was recently decided that it would be more appropriate that both posts should bear the same designation. The latter post has, for some considerable time, been held by an Indian.

Mr. A. Rangaswami Iyengar: Do the two posts carry now the same salary?

The Honourable Sir George Schuster: The two posts have carried the same salary for some time, and they still carry the same salary.

GRIEVANCES OF THE STAFF UNDER MR. L. J. PECK, DEPUTY AUDITOR
GENERAL.

1208. ***Mr. Siddheswar Prasad Sinha:** Are Government aware that there is dissatisfaction in the Office of the Auditor General owing to the treatment meted out to the staff by Mr. L. J. Peck, Deputy Auditor-General, Headquarters, in the matter of leave, pay and promotion?

The Honourable Sir George Schuster: Government have no information to this effect and would be surprised to learn that the Honourable Member's information is correct. As I intimated to the Honourable Mr. Ram Narayan Singh the other day, in reply to a question of his, Mr. Peck is an officer in whom the Government have every confidence.

Mr. Ram Narayan Singh: Is it not a fact that there must be some reasons for the dissatisfaction among the staff with the officer?

(No reply was given.)

GRANT OF LEAVE TO THE STAFF OF THE OFFICE OF THE AUDITOR GENERAL.

1209. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government please state:

(i) the sanctioned strength of leave reserve for the Office of the Auditor General;

- (ii) how many assistants in that Office applied for regular leave for more than 15 days for reasons of ill-health during the "slack season," viz., March to September, 1928;
 - (iii) how many produced, and how many were asked to produce, medical certificates from Civil Surgeons or other Government doctors;
 - (iv) in how many cases were medical certificates asked for when the leave reserve was available and why;
 - (v) in how many cases were medical certificates from qualified medical practitioners not accepted and were ignored during 1928 and why?
- (b) Is it a fact that certain assistants of the Office who took leave during the year 1928 were victimised or punished on any grounds?
- (c) If so, will Government be pleased to state the particulars of the offences and of the punishments inflicted?

The Honourable Sir George Schuster: (a) (i). 8 in 1928. It is now 10.

(ii) to (v). This question appears to be based on a misapprehension. There is no "slack season" in the Auditor General's office, as suggested in part (ii) of the question. The periods of highest pressure differ in different sections; and when the pressure relaxes in one section, men are transferred from it to another section where the pressure is greater.

Particulars are not readily available to answer these parts of the question, and I do not think it would be justifiable to make a special compilation involving a great deal of public time.

(b) and (c). Government have not been able themselves to locate any instance of victimisation. If the Honourable Member will furnish me with particulars of any specific case which he has in mind, I will see that it is investigated.

Mr. A. Rangaswami Iyengar: Is it not a fact that there is a good deal of slack season in the Secretariat?

Mr. President: Order, order

PRINCIPLES FOLLOWED FOR THE PROMOTION OF PASSED CLERKS TO THE SUBORDINATE ACCOUNTS SERVICE.

1210. ***Mr. Siddheswar Prasad Sinha:** Will Government please state what principles are followed in the matter of promotion of passed clerks to the Subordinate Accounts Service in the Office of the Auditor General, and whether it is a fact that recently promotions of the passed clerks to the Subordinate Accounts Service have been made without strict regard to their seniority, and without obtaining any formal reports in writing from Superintendents and Branch officers as to their efficiency? If so, why have the promotions been made arbitrarily?

The Honourable Sir George Schuster: Promotions with due regard to merit were made by the Auditor General after proper consideration and with a full sense of the responsibility of the Auditor-General himself. The

steps which he takes to inform himself as to the opinions of Superintendents or other subordinate officers in his Department are a matter entirely at the discretion of the Auditor General himself as head of the Department.

Mr. Siddheswar Prasad Sinha: What I want to know is whether any reports were called for from the officers in charge of the various sections of the department at the time of the promotions?

The Honourable Sir George Schuster: That is precisely the information which I am not prepared to give. The matter is one for the responsibility of the Auditor-General himself as head of the department; and I am not prepared to allow Honourable Members here to interfere with that responsibility.

FILLING OF APPOINTMENT WITH THE BEST QUALIFIED MAN IRRESPECTIVE OF CASTE, RELIGION OR CREED.

1211 ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that section 96 of the Government of India Act lays down that no native of British India, nor any subject of His Majesty's resident therein, shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any office under the Crown in India?

(b) Is it a fact that members of the minority communities are being given preference over those of other communities in the matter of selection of candidates for appointments under Government?

(c) Is it a fact that even in the case of appointments made as a result of competitive examinations, Muhammadans are given preference over Hindus although the latter may have scored higher marks?

(d) Are the Government of India prepared to issue orders to the effect that public appointments should be open to the best qualified man, irrespective of caste, religion or creed?

The Honourable Mr. J. Orerar: (a) Yes

(b) To prevent the preponderance of any particular class or community in the public services a proportion of vacancies is usually reserved to be filled by members of minority communities

(c) No.

(d) No modification in the general orders on the subject is at present contemplated.

FEES PAYABLE IN DELHI SCHOOLS.

1212. ***Mr. Siddheswar Prasad Sinha:** (a) What is the minimum limit of monthly income of the parents on account of which students have to pay double fees in the Delhi Schools?

(b) What was the limit previously?

(c) Are Government prepared to consider the question of raising the limit?

Mr. G. S. Bajpai: (a) Rs. 2 000 per annum,

(b) Rs. 300 a month,

(c) Yes.

PERIOD WITHIN WHICH APPLICATIONS FOR CANCELLATION OF ASSESSMENT AND APPEALS UNDER THE INCOME-TAX ACT CAN BE MADE.

1213. *Mr. Siddheswar Prasad Sinha: (a) Is it a fact that an application for cancellation of assessment under section 27 and an appeal under section 31 of the Indian Income-tax Act should be made within one month from the service of a notice of demand?

(b) Is it a fact that some days are taken by the Income-tax Department in supplying copies of the assessment orders to the assesseees?

(c) Is it a fact that those days are not excluded in calculating the period of one month under part (a) above?

(d) Do Government propose to issue instructions that the days requisite for obtaining copies of orders, etc., from the Income-tax Department should be excluded? If not, why not?

The Honourable Sir George Schuster: (a), (b) and (c). Yes.

(d) Sub section 2 of section 30 of the Indian Income-tax Act, 1922, confers on an Assistant Commissioner of Income-tax the power of admitting an appeal after the expiration of the period specified in the Act, if he is satisfied that the appellant had sufficient cause for not presenting it within that period, and instructions have been issued that, in cases where it is necessary for an appellant to file a copy of the order against which an appeal is filed, Assistant Commissioners shall take into consideration the time spent in obtaining the copy. When the Income-tax Act is next amended, opportunity will be taken to embody in the Act provisions corresponding to those of section 12 of the Indian Limitation Act, 1908

ALLOTMENT OF 'D' TYPE QUARTERS IN NEW DELHI

1214. *Mr. Siddheswar Prasad Sinha: (a) What is the total number of "D" type quarters in New Delhi available for the migratory staff, and what is the number of clerks who applied for them and how many per cent got quarters?

(b) What are the similar figures for "C" type quarters?

(c) Is it a fact that the number of quarters is not sufficient to meet the requirements of all the clerks? If so, do Government propose to consider the desirability of allotting a certain number of quarters to each Department, leaving it to its discretion to distribute them according to certain principles?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) No specific number of quarters is reserved for any particular staff 682 migratory officers applied for "D" type quarters and 248 for "C" type quarters, of which 329 and 141, i.e., 48 per cent and 59 per cent., respectively, were allotted quarters

(c) The reply to the first part of the question is in the affirmative and to the second part in the negative.

The Revd. J. C. Chatterjee: May I ask if Indian clerks are allowed the use of quarters described as unorthodox in Simla if they desire to have such quarters?

The Honourable Sir Bhupendra Nath Mitra: I am afraid the Honourable Member did not listen to the reply which I gave in the House the

other day. To the best of my recollection, I said there were no unorthodox quarters in Simla.

The Revd. J. O. Chatterjee: May I ask how quarters ordinarily reserved for the use of Anglo-Indian or European staff, are described?

The Honourable Sir Bhupendra Nath Mitra: There is no reservation, so far as I am aware.

The Revd. J. O. Chatterjee: Is the Honourable Member aware that applications for such quarters have been made by Indian clerks desiring to live in that style and that those applications, in practically every case, were refused?

The Honourable Sir Bhupendra Nath Mitra: I have no information with me on that point and would suggest that, if the Honourable Member wanted the information, he should put down a question on paper. We are now on the question of quarters in New Delhi and not of quarters in Simla.

NUMBER OF "C" AND "D" TYPE QUARTERS ALLOTTED TO THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA IN 1928-29

1215 ***Mr. Siddheswar Prasad Sinha:** (a) What is total number of "C" and "D" type quarters surrendered, so far, in the cold season of 1928-29 and how many of them have been allotted to the migratory staff?

(b) Do Government propose to consider the question of meeting the requirements of the migratory staff before the requirements of the non-migratory staff?

The Honourable Sir Bhupendra Nath Mitra: (a) The total number of "C" and "D" type quarters surrendered so far in the cold season of 1928-29 is 6 and 26, respectively, of which 4 of the former and 10 of the latter type have been allotted to the migratory staff

(b) No such proposal is under consideration at present

IMPROVEMENT OF ARRANGEMENTS FOR HOSPITAL TREATMENT OF GOVERNMENT SERVANTS IN NEW DELHI.

1216. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that, at Simla, there are separate doctors, separate dispensaries and separate dressing rooms for Government servants?

(b) Is it a fact that there is no whole-time doctor for Government servants at New Delhi, no separate dispensary and no separate dressing room, and that they have to wait at the hospital like ordinary coolies and other people for their treatment?

(c) Do Government propose to improve the arrangements at New Delhi by appointing separate medical advisers for Government servants, fixing suitable hours for their attendance at suitable places and making special arrangements for dispensing and dressing?

Mr. G. S. Bajpai: (a) Sir, I fear I do not quite understand what the Honourable Member means by this part of his question. If he wishes to know whether separate medical staff and facilities are provided for the civil and military employees of Government in Simla, the answer is in the affirmative.

(b) and (c) There are at present, in New Delhi, one Civil Surgeon, one Civil Assistant Surgeon, and 2 Sub-Assistant Surgeons, to whose services Government employees are entitled, according to rank. In addition to the Combined Hospital, New Delhi, a dispensary has recently been opened on Market Road for the convenience of Government servants residing in or near that locality. These arrangements are, however, temporary and perhaps, not ideal. The question of making medical arrangements for New Delhi on a permanent and satisfactory footing is at present being considered.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member please state whether there is any accommodation for indoor patients in this hospital in Delhi?

Mr. G. S. Bajpai: No, Sir; I believe there is practically no accommodation for indoor patients at the combined hospital in New Delhi.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member be pleased to state whether he is prepared to consider the supply of such accommodation?

Mr. G. S. Bajpai: The position is, Sir, that the Government have decided and the Finance Committee have agreed, and, I believe the House now has voted funds for the construction of a combined hospital which will cater for the requirements of both Old and New Delhi and which will provide ample accommodation for all classes.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that the construction of the proposed new combined hospital cannot be completed for another 3 or 4 or more years probably?

Mr. G. S. Bajpai: Well, Sir, we hope to push on with it as quickly as we can.

Lieut.-Colonel H. A. J. Gidney: In the meantime what will the patients do?

Mr. G. S. Bajpai: They will do what they have been doing for ever so many years.

Lieut.-Colonel H. A. J. Gidney: That is most unsatisfactory. Do Government wish to continue this unsatisfactory state of affairs?

Mr. G. S. Bajpai: On the contrary, Sir, I have said that Government's intention is to set up a first-class hospital, which will be able to cater for the requirements of all classes, but Government are not in possession of Aladdin's lamp, so that, by merely rubbing it, they can produce a hospital overnight.

Lieut.-Colonel H. A. J. Gidney: In the meanwhile will Government arrange to provide temporary accommodation for these indoor patients?

Mr. G. S. Bajpai: I think that the setting up of temporary accommodation for the purpose would be more expensive than the results would justify.

Lieut.-Colonel H. A. J. Gidney: What a lame answer!

RULES FOR THE ALLOTMENT OF QUARTERS IN NEW DELHI.

1217. ***Mr. Siddheswar Prasad Sinha:** (a) What is the total number of clerks of the Government of India migratory staff who moved to New Delhi in 1928 and applied for Government quarters, including those of the attached and subordinate offices?

(b) What is the total number of quarters reserved for such staff at New Delhi and how many clerks had to remain without such quarters during the 1928-29 cold season?

(c) Is it a fact that rules regarding the allotment of quarters were revised in 1928, and according to those rules, clerks occupying quarters in 1927-28 were given preference over all others, irrespective of any other consideration?

(d) Is it a fact that, according to those rules, certain men in the grades whose maximum does not reach Rs 225, and who occupied the quarters in 1927-28, will occupy them throughout their service, whereas the other men will have to remain without quarters for a major portion of their service?

(e) Is it a fact that the Imperial Secretariat Association made a representation against these rules?

(f) Do Government propose to revise the new rules immediately?

(g) Is it a fact that the quarters in New Delhi were primarily meant for the Government of India migratory staff?

(h) What percentage of "D" class quarters is at present occupied by the non-migratory staff?

The Honourable Sir Bhupendra Nath Mitra: (a) 1,386 clerks of the migratory staff moved to New Delhi in 1928 and 1,257 applied for accommodation. This excludes single officers.

(b) No specific number of quarters is reserved for any particular staff. 728 migratory officers made their own arrangements.

(c) and (d) The revised rules give clerks who were occupying quarters in 1927-28 preference over others, provided they remain eligible.

(e) Yes.

(f) and (g). No.

(h) 65 per cent.

SHORT NOTICE QUESTION AND ANSWER.

EVACUATION OF FRONTIER INDIANS AT PRESENT IN AFGHANISTAN.

Mr. Gaya Prasad Singh: With your permission, Sir, I wish to put the following question, of which I gave short notice:

(a) Is it a fact that there are a number of Indians still in Afghanistan who are anxious to be evacuated from that country?

(b) If so, what is their approximate number?

(c) Have Government received any representation or request from the Indian residents of Afghanistan asking to be evacuated as early as possible? If so, do Government propose to take immediate steps to evacuate such Indians in Afghanistan as are willing to leave that country?

Sir Denys Bray: Thanks to the arrangements concerted by His Majesty's Government and the Government of India, His Majesty's Minister was able to offer facilities for evacuation by air to all British Indian subjects in Kabul. When the offer was first made in the latter part of December, it was, of necessity, restricted to women and children only; but during January and the first half of February it was extended, on the gradual expansion of our aeroplane resources, to men also. In all, no less than 342 British Indians availed themselves of the offer within the period allotted and were safely evacuated by the Royal Air Force to India. On the final withdrawal of the British Legation, there remained about 40 others, who had been unwilling, or unable, to accept the offer in the first instance, either because of their reluctance to leave their property behind, or the unwillingness of the Afghan Government to let them go without a settlement of accounts, or some other good reason. Of these, some put in eleventh-hour applications for aeroplane facilities, unfortunately too late, after the difficult arrangements and the very delicate negotiations with the Kabul Government for the withdrawal of His Majesty's Legation had been completed, and climatic, to say nothing of political, conditions rendered postponement impossible.

In addition, applications were presented from time to time by 20 or 30 other Indians who had inherited or adopted Afghan nationality and whose applications were not supported by the Kabul Government. After the final withdrawal a telegram was received from Indians still in Kabul asking for evacuation facilities, but these unfortunately were no longer practicable. Happily with the melting of the snows on the passes, there is now no insuperable obstacle to evacuation by road from Kabul, and despite its hardships and dangers several travellers, Indian and European, are now availing themselves of this method.

There are of course Indian colonies elsewhere in Afghanistan, notably in Kandahar, Jalalabad and Herat. But the road from Kandahar to Chaman has never been closed, and all but half-a-dozen British Indian families, I understand, have now come into India. Conditions in the Jalalabad area have been more disturbed, but evacuation under tribal arrangement has been feasible for some time past. As for Herat, where there has lately been serious trouble and both Governor and General have been murdered, I was relieved to receive a telegram, a couple of days ago, announcing the safe arrival of most of the British Indian traders in Meshed. In general, though there has been inevitable loss of Indian property during the upheaval in Afghanistan, I rejoice to say that I have received no report of any loss of Indian life.

Mr. Gaya Prasad Singh: May I know if there are any Englishmen left over in Afghanistan who desired to be evacuated, and, if so, what is their number?

Sir Denys Bray: There are no Englishmen left in Afghanistan. There were no Englishmen in Afghanistan at all except those either in the Legation itself or employed in connection with the evacuation. But there are, of course, several Europeans left in Kabul, notably some forty Germans, some thirty Turks, many Russians, and in addition some Persians.

Maulvi Sayyid Murtuza Sahab Bahadur: May I know, Sir, if it is a fact that some Indians have been arrested there and there are many more Indians who are subjected to many a hardship?

Sir Denys Bray: I am afraid we are at a disadvantage; since the withdrawal of His Majesty's Legation, we are not in possession of any certain news as to what is happening in Kabul.

Mr. Gaya Prasad Singh: May I know if it is in contemplation to take any steps to evacuate those Indians who are still in Afghanistan? What arrangements are in contemplation?

Sir Denys Bray: I have endeavoured to explain that it is now impossible to make any aeroplane arrangements, and have endeavoured also to give my Honourable friend to understand that it lies within the power of the Indians themselves to make some arrangements for their evacuation. The obstacle provided by the snow on the passes is now removed.

Mr. Abdul Haya: My Honourable friend has referred to delicate negotiations with the Afghan Government. May I know with what Afghan Government?

Sir Denys Bray: I remember that I did not use the word *Afghan* Government. I used the word *Kabul* Government—the *de facto* government now in Kabul, negotiations with whom were perhaps the more delicate in that His Majesty's Government do not recognise it.

Mr. K. Ahmed: Do Government propose to give facilities to Indians going to Kabul or take sufficient steps to give assistance to the people who are in great hardship at Kabul?

Mr. President: Does the Honourable Member want to go there? I am sure the Foreign Secretary will provide all facilities.

Sir Denys Bray: No, Sir. (Laughter.)

Mr. President: Not even to Mr. Kabeer-ud-Din Ahmed?

Sir Denys Bray: No, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

PRACTICE OF HOMŒOPATHY BY EMPLOYEES IN THE IMPERIAL SECRETARIAT AND ARMY HEADQUARTERS.

359. Haji Ohaudhury Mohammad Ismail Khan: (a) Is it a fact that there are a good many men in the Imperial Secretariat, as well as in the branches of the Army Headquarters, who regularly practise in Homœopathy like professionals?

(b) If so, will Government please state the number of such men in the various Departments, showing approximately the annual professional income of each?

(c) Do Government encourage their servants to carry on such practice? Is such income assessable to income-tax?

(d) Is it permissible under the Government Servants' Conduct Rules?

(e) Is it a fact that there are orders prohibiting Government servants from doing agency work on behalf of Life Insurance Companies?

(f) If so, why is there no such prohibition against practising medicine?

The Honourable Mr. J. Orerar: Information has been called for and will be supplied to the Honourable Member in due course.

CHARGE OF DEMURRAGE ON THE BENGAL AND NORTH WESTERN RAILWAY.

360. Mr. Amar Nath Dutt: (a) With reference to the reply given to my unstarred question No 530, on the 24th September, 1928, will Government be pleased to state what action, if any, was taken in the matter by the Agent, Bengal and North Western Railway? If no action has been taken, why has it not?

(b) Is it a fact that, on this Railway, the owners are made to pay demurrage if they fail to load or unload goods in or out of wagons in the time fixed by the Railway?

(c) Is it a fact that the Railway staff concerned were warned, by issue of the Traffic Circular No 9, in 1923, against their failure to realise demurrage for vehicles being detained for loading and unloading?

(d) If so, do Government propose to take action to have this practice discontinued? If not, why not?

Mr. P. R. Rau: Inquiries are being made from the Agent Bengal and North Western Railway and on hearing from him, I will address the Honourable Member further

MEMORIALS FROM STATION SERVICE TELEGRAPHISTS IN MADRAS

361. Mr. Amar Nath Dutt: (a) With reference to the reply of the Government of India, communicated in their No 15-P. T. E., dated the 3rd December, 1928, to the Director General, Posts and Telegraphs, regarding the memorials submitted by the Station Service telegraphists of Madras stating "that they regret that they are unable to accede to their prayer", will Government be pleased to state the reasons for their regret and inability, both?

(b) Will Government be pleased to state whether there has been any distinction between Madras and other presidency towns in the pay of the telegraphists? If so, why?

Mr. P. G. Rogers: (a) The Honourable Member is referred to part (b) of the reply given in this House on the 4th February, 1929, to Mr N. M. Joshi's unstarred question No. 180.

(b) Yes. The pay has been fixed in each case with reference to local conditions.

PAY OF MEN IN THE GENERAL AND OTHER TELEGRAPH SERVICES IN BURMA.

362. Mr. Amar Nath Dutt: (a) With reference to the reply to question No 667 (b) put by U. Tok Kyi in the Assembly on the 18th September, 1928, will Government be pleased to state on what basis the pay has been fixed for men in the General and other services?

(b) Will Government be pleased to state whether there were any orders that the Station Service telegraphists should not claim house-rent allowance?

(c) Will Government be pleased to state whether there are any orders that house-rent allowance for the General Service men will be increased from time to time?

(d) Will Government be pleased to state whether the General Service men are incurring any extra expenditure by their transfer from one place to another, and, if so, how? .

Mr. P. G. Rogers: (a) The revised scales of pay for all classes of Telegraphists and Telegraph Masters were fixed on the recommendations of the Telegraph Committee, 1920. In the case of Station Service telegraphists, a further revision of their pay has recently been made by Government generally with reference to the revised scales of pay introduced for the ordinary time-scale postal clerks in the respective localities

(b) Yes. This was based on the specific recommendation of the Telegraph Committee, 1920, on the subject, which was accepted by Government.

(c) No. The rates are, however, liable to revision as the necessity arises.

(d) Yes. They have to dismantle and set up a house at short notice and usually in expensive places.

ENFORCEMENT OF AGE LIMIT FOR CERTAIN STATION SERVICE TELEGRAPHISTS.

363. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they are aware of the fact that age restriction had not been imposed on Station Service telegraphists who volunteered for the V.heat-stone Wireless Branch as operators?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason for enforcing the age limit now?

Mr. P. G. Rogers: (a) Yes.

(b) The age-limit was relaxed as a special case as the scheme was then in the experimental stage, but the age-limit is considered necessary in general, because young men learn wireless work more easily and the Department has their services for longer periods after training.

RESOLUTIONS PASSED BY THE ALL-INDIA TELEGRAPH UNION, MADRAS BRANCH.

364. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they have received a copy of Resolutions passed at the meeting of the All-India Telegraph Union, Madras Branch, submitted by Mr. A. Rangaswamy Iyengar, Member, Legislative Assembly, as Chairman of the meeting on the 19th December, 1928?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the decisions that have been arrived at on each of the resolutions?

Mr. P. G. Rogers: (a) Yes.

(b) No decision has yet been reached.

RESERVATION OF CERTAIN TELEGRAPH STATIONS FOR ANGLO-INDIANS AND INDIANS RESPECTIVELY.

365. Mr. Amar Nath Dutt: (a) Will Government be pleased to state if they are aware of the fact that certain stations are reserved as suitable

for Anglo-Indians only and certain stations classed as suitable for Indians only?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for such reservation?

Mr. P. G. Rogers: (a) Assuming that the Honourable Member refers to the practice obtaining in the Posts and Telegraphs Department, the answer is in the negative.

(b) Does not arise.

QUALIFICATIONS REQUIRED FOR APPOINTMENT AS TELEGRAPHISTS.

366. Mr. Amar Nath Dutt: Will Government be pleased to furnish (1) the qualifications required from men for appointment as telegraphists, (2) the subjects they pass in at the entrance examination, (3) the nature of duties performed by them, and (4) the subjects in which they are examined annually at the time of increment, and also for the examination for the efficiency bar for, (i) General Service, (ii) Local Service, and (iii) Station Service? If they are the same in all cases, will Government be pleased to state the reasons for the distinction in pay between the several Services?

Mr. P. G. Rogers: (1) and (2). A reference is invited to the copy of the rules regarding the conditions of service, etc., of telegraphists which will be sent to the Honourable Member.

(3) The duties include the dealing with the receipt and transmission of messages by telegraph and all operations in connection therewith.

(4) The subjects are practically the same in the case of General, Local and Station Service telegraphists and are given in the copy of the rules which will be furnished to the Honourable Member. The differences in pay are due to the different conditions of service of General, Local and Station Service telegraphists.

PAY OF LOCAL AND STATION SERVICE TELEGRAPHISTS TRANSFERRED TO THE GENERAL SCALE.

367. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they are aware of the fact that, in granting pay, the point-to-point system was in force when telegraphists of the Local and Station service were transferred to the General scale before 1st January, 1928?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for its abolition now in view of the fact that the duties are one and the same in all the cases?

Mr. P. G. Rogers: (a) The point-to-point system was in force prior to the 1st June, 1927, not 1st January, 1928, as stated by the Honourable Member.

(b) The system was abolished as it was contrary to statutory rules.

GRANT OF ALLOWANCES TO ELECTRICAL SUPERVISORS IN TELEGRAPH OFFICES IN PROPORTION TO THEIR WORK AND RESPONSIBILITY.

368. Mr. Amar Nath Dutt: (a) Will Government be pleased to state whether they are aware of the fact that the supervisors of the electrical branch have to perform (1) supervision of Baudot apparatus, (2) supervision of accumulators and power plants, (3) Line and cable testing, (4)

supervision of electric lights and fans, and (5) supervision of all technical arrangements in telegraph offices?

(b) Will Government be pleased to state whether they are aware of the fact that the work of the Baudot supervisors is confined only to supervision of Baudot apparatus, and that the electrical supervisors are called to attend to the Baudot working when the Baudot supervisors are unable to rectify faults?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state whether they will consider the granting of increased allowances to the electrical supervisors proportionately in consideration of their work and responsibility?

Mr. P. G. Rogers: (a) The supervision of Baudot working is carried out by Baudot supervisors; the other duties referred to are entrusted to electrical supervisors in small offices only. In large offices the various duties referred to are carried out by various officials, not necessarily electrical supervisors

(b) Yes, but Baudot supervisors trained in the office of the Electrical Engineer-in-Chief possess the qualifications necessary to rectify defects that may occur in the Baudot apparatus, and it is only in exceptional cases that they have to seek the assistance of electrical supervisors.

(c) No, because the superior technical qualifications of electrical supervisors are already recognised by the grant of a scale of pay superior to that drawn by Baudot supervisors.

INTRODUCTION OF AN EXAMINATION FOR PROMOTION TO THE 2ND DIVISION IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT.

369 **Mr. Amar Nath Dutt:** With reference to the reply to question No 185 (b) given in the Assembly on the 4th September, 1928, regarding the introduction of an examination for promotion to second division, will Government be pleased to state the decision that has been arrived at?

The Honourable Sir Bhupendra Nath Mitra: No decision has yet been reached.

NUMBER OF INDIANS, ANGLO-INDIANS AND EUROPEANS IN CERTAIN CLASSES IN THE TELEGRAPH DEPARTMENT.

370. **Mr. Amar Nath Dutt:** (1) Will Government be pleased to furnish:

- (a) The number of Indians, (b) the number of Anglo-Indians, and
- (c) Europeans in the Government Telegraph Department on the 1st March, 1929, under the following classes.

Superior Traffic Branch.

- 1. First Division. 2. Second Division.

Deputy Superintendents.

- 1. First Grade. 2. Second Grade.

Telegraph Masters.

- 1. Local Scale. 2. Station Scale. 3. General Scale

Telegraphists.

- 1. Local Scale. 2. Station Scale. 3. General Scale.

*Engineering Branch.**Divisional Engineers.*

(a) Junior. (b) Senior.

*Assistant Engineers.**Deputy Assistant Engineers.*

1st class; 2nd class.

*Engineering Supervisors.**Electrical Branch.*(a) *Senior Electricians.*(b) *Junior Electricians.*(c) *Assistant Electricians.*(d) *Deputy Assistant Electricians.*(e) *Electrical Supervisors.**Wireless Branch.*(a) *Divisional Engineers.*(b) *Assistant Divisional Engineers.*(c) *Deputy Assistant Engineers.*(d) *Wireless Civil Service Operators.*(e) *Wireless Wheatstone Operators.*

(2) Will Government be pleased to state whether the officers mentioned under Wireless Branch (a), (b) and (c) have all passed the required technical examinations?

(3) If the answer to part (2) be in the negative, will Government be pleased to state the number of such officers that have not succeeded in the above examinations?

Mr. P. G. Rogers: An attempt is being made to collect the information wanted by the Honourable Member and the result will be communicated to him in due course.

INCORRECTNESS OF ANSWER GIVEN BY GOVERNMENT REGARDING PAY OF
STAFF OF THE BENGAL AND NORTH-WESTERN RAILWAY.

371. Mr. Amar Nath Dutt: Will Government be pleased to state if the facts in the reply given to my unstarred question No. 529 in the Legislative Assembly on the 24th September, 1928, are the same as was stated in the letter of the Agent of the Bengal and North-Western Railway, No. 40 of 27th February, 1921? If not, will Government be pleased to state whether the reply referred to above is correct? If the answer be in the negative, who is responsible for such incorrect answers?

Mr. P. R. Rau: The facts stated in the reply to the Honourable Member's question referred to are correct and Government have nothing to add to it

RECOGNITION BY THE AGENT, BENGAL AND NORTH-WESTERN RAILWAY,
OF A UNION REPRESENTING THE EMPLOYEES OF THAT RAILWAY.

372. Mr. Amar Nath Dutt: With reference to the reply given to Mr. N M Joshi's starred question No. 267, in the last Simla session of the Legislative Assembly, will Government be pleased to state whether the observation contained in their reply was brought to the notice of the Agent, Bengal and North Western Railway? If so, will Government be pleased to state whether the Agent acts accordingly?

Mr. P. R. Rau: The answer to the first part of the question is in the affirmative. The Government have no reason to believe that the Agent is not following their instructions.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House): With your permission, Sir, I desire to make a statement about the probable course of business during the next week and thereafter. As Honourable Members are aware, the business which Government desire to conclude before the end of the Session consists of the Finance Bill, the Public Safety Bill and the Trade Disputes Bill. The days so far allotted for Government business next week are the 26th, the 27th and the 28th. I understand, Sir, that it is your intention that the House should not sit on Tuesday the 26th as that day has been gazetted a holiday under the Negotiable Instruments Act for the Delhi Province. Friday the 29th and Saturday the 30th are also gazetted holidays on account of Easter, but Government will be willing to sit on Saturday the 30th if you, Sir, are prepared so to direct

Mr. President: Is that a gazetted holiday?

The Honourable Mr. J. Crerar: I understand so, Sir. In that event the House will sit on Wednesday the 27th, Thursday the 28th, and Saturday the 30th, for the disposal of Government legislation, and in the event of the Government measures, which I have already named, not being passed by that date, it will be necessary for Government to ask you, Sir, to direct that the House shall sit in the following week beginning the 1st April for as many days as may be necessary for the completion of Government business.

In addition to the legislative business, which I have mentioned, there are three motions involving elections. These are:

- (1) on behalf of the Education, Health and Lands Department for the election of a panel from which the members of the Standing Committee to advise on questions relating to emigration will be nominated;
- (2) on behalf of the Industries and Labour Department to elect a panel from which the members of the Standing Committee to advise that Department on Roads will be nominated;
- (3) on behalf of the Education, Health and Lands Department to elect two members to sit on the Governing Body of the Central Council of Agricultural Research.

It is proposed that these should be put on the List of Business for Wednesday, the 27th March

Mr. Anwar-ul-Azim: I may inform you, Sir, that the All-India Muslim League will be sitting on the 30th and 31st March and it will be difficult for many of us to attend the Assembly on those days

Mr. President: I will not sit on the 31st.

Mr. Anwar-ul-Azim: The Honourable Member mentioned the 30th.

Mr. President: I will consider the objection.

THE INDIAN FINANCE BILL—*contd.*

Mr. President: The House will now resume further consideration of the Finance Bill, clause by clause:

The question is that clause 2 stand part of the Bill.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, last evening I was submitting to this House my authorities for proving the position that cattle require a sufficient supply of salt. Perhaps, Sir, an elementary proposition like that would not have required authorities that I am quoting, and in fact an agriculturist of this country would laugh at me if I told him that I was putting authorities before this House to prove that cattle require salt. But, Sir, if I tell him that Honourable Members of this House are more acquainted with motor cars than with cattle, he will be satisfied that there was need for the authorities being quoted. But I advance a stronger argument than that as to why I quote authorities.

Sir, the Royal Commission on Agriculture has produced a big volume of over a thousand pages after holding long inquiries, and it cost more than Rs. 2 lakhs, I suppose, of the taxpayer's money for that commission; and yet, throughout that big volume, I do not see one word stated anywhere that cattle require salt and that salt must be supplied in large quantities for keeping up the health of cattle. In that big volume, salt sneaked in in Appendix IV at page 697, when an inquiry was made in a very insignificant village called Anakapalle and an agriculturist there stated that he was supplying 1/82 lbs per head per day to cattle. That is the only mention of it which we find in that entire volume of the Royal Commission's Report on Agriculture; and I take my stand on that for calculating what is necessary for cattle per head, if salt will be supplied by the Government. But, Sir, whether the salt is supplied by the Government or not, I am sure of this much, that whatever salt you are able to spare for human beings, the agriculturist is prepared to share that with his cattle and make both himself and the cattle under-fed in salt. At the rate that is given in Appendix IV it comes to 22½ lbs. per head of cattle per year. Now, I ask the Honourable the Finance Member whether the provision made for production and distribution of salt in this country makes any provision at all for salt being supplied to cattle. Sir, I will give you some figures relating to the cattle in this country. I take the figures from the Report of the Royal Commission on Agriculture. Cattle and buffaloes 151 millions, sheep and goats 62.5 millions, horses, mules and donkeys 3.2 millions and camels .5 millions. These are figures for British India. In the States:

Cattle	..	..	..	..	..	36 millions.
Sheep and goats	..	..	..	..	..	25 „
Horses and donkeys	..	..	..	..	..	1 million.
Camels	..	..	..	..	..	2 lakhs 62,000.

Roughly, therefore, it comes to over 275 millions to be provided for. Now, Sir, I ask what is the provision that we can make for the cattle, and at what rate, leaving alone mules and donkeys, leaving alone also

sheep and goats? If you want to provide for the big cattle alone, we are still left with 178 millions of cattle. And, Sir, I have calculated on the basis which is given in an insignificant corner of Appendix IV to the Report on the Royal Agricultural Commission, that at least 22½ lbs. of salt per head of cattle is necessary per year. But I am quite prepared to forego even more than half, if the Government is prepared to supply at least at the rate of 10 lbs. per head of cattle, which means 1,780 millions lbs. per year. That, Sir, will give at least 22½ crores of maunds as being necessary for that supply, but if you give the proper quantity that is stated, *i.e.*, 20 pounds per head, you will have to supply 45 crores of maunds of salt per year, whereas the provision made in this budget is for more than 6 maunds of salt, which the human beings themselves require at the most modest rate of 15 or 16 lbs. per head. Is it not a fact, therefore, that you are driving the agriculturist to forego one-half of his salt and give it to his cattle?

Now, Sir, there is yet a third item which requires salt, and that is the agricultural manure. For this also, Sir, I will quote one or two authorities. In preparing a proper agricultural manure, salt goes in for several purposes. It contains germicidal properties and is useful to the farmer, the planter the florist and the market gardener. The coffee planter uses it **against coffee borer**—a pest. It is a good tonic for plant life. Leibig found that the produce increased even by 120 per cent. when salt was mixed with ammoniacal manures, and my Honourable friend the Finance Member, who wants improved methods of cultivation, will remember that statement. Mr. Robertson, appointed to report on the Coimbatore Agricultural conditions, says:

"In inland countries salt is a great manure. Sea breeze gives salt for coastal lands at 300 lbs. of salt per acre. In England 600 lbs. of salt per acre are applied with every manure for several kinds of cultivation. Salt destroys weeds."

These are the observations which I have taken from Mr. Robertson. Again, I may be asked by some Honourable Member or by you, Sir, to what date that statement relates. That date, Sir, is 1871. I cannot think that the conditions have changed since then so considerably as to do away with the necessity of salt. But, Sir, I am unable to quote one sympathetic passage within the last two decades from any Englishman, and if I have to resort to any quotations or authorities from Englishman, I must refer to that race of Englishmen who lived 2 or 3 decades ago. That race is becoming extinct, and I am unable to quote, within the last two or three decades, any Englishman who has a sympathetic word to say in regard to agricultural conditions of this country. Manure, therefore, requires salt. I would ask why the Members of the Royal Agricultural Commission entirely ignored this aspect also. Before the Royal Commission on Agriculture, the question of the prohibition of export of manures from this country was very much pressed, and, even then, they did not want to go into the question of how far salt is a necessary ingredient of good manure. But what did the Agricultural Commission do? With their peculiar frame of mind, they did not even recommend the export duties being levied on the manures of this country. The matter was pressed strongly before them by witnesses, that there must be a total prohibition of exports of all manures, and if the Royal Commission had sympathetically viewed that matter, salt, which is necessary as an ingredient of

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these manures, would have occupied their attention also. Year after year, Sir, the figures of exports of manures are swelling.

					Rs.
<i>Manures.</i>					
The export value of (Animal bones) manure in 1917-18 came to					47,38,000
In 1926-27	..	..	..	..	1,25,40,000
<i>Oil Cakes.</i>					
In 1917-18	..	..	..	..	70,93,000
In 1926-27	..	..	..	..	2,52,76,000
<i>Seeds.</i>					
In 1917-18	..	..	..	..	8,22,19,000
In 1926-27	..	..	..	..	10,08,77,000

(At this stage Mr. President vacated the Chair which was taken by Mr. Jannadas M. Mehta.)

Now, Sir, in the beginning, when the Royal Commission's Report was published in this country, I found, simultaneously with the publication of it, some reviews made, some unfavourable remarks passed, by some persons on the recommendations. I thought that they had hardly had time even to count the pages of the Report, and I thought they had based their remarks on the abridged Report, and I condemned such remarks in my articles in the *Hindu* and said that the writers should have more patiently gone through the whole Report and then passed their judgment. But, Sir, what did I gain after going through the whole volumes? I found that those who had made adverse remarks, even without going through the volumes, were wiser, and that I was in the same position as before. We have not got any sympathetic recommendations.

Now, Sir, the acreage under cultivation in this country comes to 300 millions. Excluding a third of it as receiving coastal benefit as stated by Mr. Robertson, we have at least 200 million acres under cultivation, and even if you grant not 600 lbs. per acre but only one maund or 82 lbs. per acre, you will have to supply at least 20 crores of maunds of salt. Now, what do all these things come to? So far as human beings are concerned, we have to supply at least 5½ crores, cattle 45 crores or 22½ crores, Agriculture 20 crores. Now, Sir, a real, substantial supply of salt that is necessary for this country will be 70 crores of maunds of salt per year. Instead of that you are not producing even 7 crores of maunds. Am I not justified in saying that this Government is not sympathetic after all these figures? Now, Sir, what is done in England? In England 42 millions of people are supplied at the rate of 45 lbs. per head, of which they use 15 lbs. for themselves and the remaining 30 lbs. for agriculture and industries. The whole production comes to

12 Noon. nearly 3 crores and for a country like this, should it not be at least 18 crores even according to the arithmetical proportion? I ask, what is this Government doing in the matter of producing and supplying for consumption in this country a proper quantity of salt? Now, the figures are astonishing. In 1921-22 the salt tax stood at Rs. 1-4-0. as at present. The income got by the Government was just Rs. 6,34,87,848. In 1929-30 the estimate that is made by the Honourable the Finance Member is again Rs. 6,34,64,000, barely a difference of Rs. 30,000 after

a lapse of nine years. Then evidently the Government knows that the population has not increased during the last nine years. I have given you the figure for the year following the last census of 1921 and the revenue just stands the same. That means that the same quantity of salt is being supplied. If the population has increased, the quantity has been divided among itself. If the population has not increased, I say it is due to the want of supply of proper quantity of salt for the up-keep of the health of the people. From 1901 to 1911 there was an increase of population of *plus* 7 per cent.; but from 1911 to 1921 the increase of population was only *plus* 2 per cent.; and I do not know whether, when we take the next census in 1931, it will be any *plus* or even a *minus*. Therefore, I do think that Government must pay their serious attention to the proper supply of salt for men, for cattle and for agriculture. If they really want that men should keep up good health, if they want that the cattle are to keep up good health, if they want that improved methods of agriculture must be introduced and that the agriculturists must prosper—if that be the idea of Government, then I think they must pay more serious attention to the matter than they are doing today.

Now, Sir, what is the cause of there being no increase in the consumption of salt? The high prices at which they are sold explain it. I will give you a few figures of 1927. In Madras the retail price ranged from Rs 1-9-0 to Rs. 2-9-0 per maund, in Bombay and Sind, Rs. 2 to Rs 3-5-0; in Bengal, Rs 2-9-0 to Rs. 5; in the United Provinces, Rs. 2-2-0 to Rs. 3-8-0; in the Punjab, Rs 2-4-0 to Rs. 2-9-0; in Burma, Rs. 3-5-0 to Rs 5-1-0; in Bihar and Orissa, Rs. 3-1-0 to Rs 4; in the Central Provinces, Rs 2-9-0 to Rs 3-6-0; and in Assam, Rs 3-4-0 to Rs 5. These are, after all, figures of the headquarters of the provinces and districts, because you find that the figures which are given there come from the district headquarters, such as, Bellary, Kurnool, Anantapur, and so on. If you go still further into the interior, people there will have to pay more, and what does this come to? It is 1,200 per cent. up to 4,000 per cent. of the actual cost of the production of salt. Can you imagine any other commodity produced which is sold at 4,000 per cent., or even 1,200 per cent. of the actual cost of that commodity, and that, a commodity which is so absolutely essential for the upkeep of men and animals? Now, Sir, Mr. J. Geddis, of the Bengal Civil Service, deposed before the 1871 Select Committee as follows:

"The cost of salt is an ordinary thing to speak about. Any native whose recollection goes any time back will always tell you about the increase in the salt duty as one of the hard things. I imagine that in the time of the Nabob of Bengal it was 2½ per cent. of the prime cost to Muhammadan and 5 per cent., that is, double, to Hindu consumers. Now, taking the rate per cent. on prime cost of salt, as set down, for example, in the figures in the Calcutta Serial and comparing the selling price of salt, and the rate of Government duty, you find a taxation, I think, of 700 per cent."

Now, the history of the salt tax in Bengal is a very long and sad tale, and I do not propose to go into that history at all. How the servants of the East India Company were allowed to loot Bengal for their own benefit was all stated by my Honourable friend Pandit Nilakantha Das yesterday. But somehow or other, by collusion or by fraud, the Company's servants allowed the English manufacturer of salt to take possession of Bengal entirely. But not satisfied with that, they wanted to proceed against Madras and Bombay also. We find an attempt made to invade Madras.

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and oust the Madras salt; however black it might be, however dirty it might be. Even that was sought to be ousted by the Cheshire merchants, and we find that the force of the British capitalist, the British manufacturer was so much, that the Government had to pass a Resolution, No. 980, in the Home Department at Fort William on the 6th May, 1859. The despatch was as follows:

"From this review of the existing state of the salt tax in India it appears that, while the inhabitants of Bengal and Bihar and North West Province up to Allahabad pay a duty of Rs. 2-8-0 a maund on the salt which they consume, and while the people of the Punjab, east of the Indus and the people of the United Provinces west of Allahabad pay a duty of Rs. 2 and Rs. 1-14-0, the inhabitants of the Madras Presidency pay a duty of fourteen annas and those of Bombay a duty of annas twelve a maund. It seems therefore to His Excellency in Council that the people of Madras and Bombay may fairly be called upon to contribute to the public revenue in the shape of a tax upon salt somewhat more than they do now."

But in those days there was a little bit of parochial patriotism on the part of Governments of provinces, and in a reply, written on the 10th June, 1859, Sir Charles Trevelyan wrote in his minute:

"The salt tax is in the nature of a poll tax and it is already so heavy that the labouring population, who form the bulk of the consumers, and consequently of the taxpayers, are unable to provide a sufficient supply for themselves and their families. So much does the productiveness of this tax depend upon the consumption of salt extending to the great body of the people, that the best financial arrangement would be to lower the tax. After the great increase in cultivation, which has been the result of lowering our former excessive land tax, it can never again be said that Anglo-Indian revenue is not capable of increase by that process of consumption by diminishing the rate of taxation which has led to such happy financial and social consequences in England. Instead, therefore, of exhausting our ingenuity in devising new taxes and raising new loans, I recommend that we apply ourselves in serious sober earnest to reducing expenditure, many large items of which are capable of being immediately acted upon."

How I wish that Sir Charles Trevelyan were here to repeat the same words today! Will the Honourable the Finance Member imbibe this spirit and follow it up in his regime here as the Finance Member of this country?

Sir, having tabled an amendment to reduce the salt tax on Indian salt to 8 annas, and retain the duty of 1-4-0 on the imported salt, I should like to make my position clear from two points. It is not out of any revenge against Bengal that I want that Rs 1-4-0 should be retained. It is on the strength of the report of the Central Board of Revenue, which has recently refused to refer this question to the Tariff Board, that I base my claim. They say that the Bengal people will not complain, whatever may be the cheapness of the salt elsewhere. The cheapness of the salt elsewhere will not affect, in the least, the consumption of imported salt in Bengal. It will remain unaffected. Therefore, if they are satisfied with that, they should not grudge some cheaper salt being given in other parts of India. Secondly, Sir, when I say that the salt tax should be reduced to 8 annas, I must make it clear that, even if it be 8 annas, or even one pie, I will consider the subject, from the point of view of national sentiment, a humiliation, but I propose it for this year as a first step towards the total abolition of the salt tax altogether from the pages of Indian finance. It is with that view, and with that goal in view, that I have put down the reduction to 8 annas, and in reducing it to 8 annas

I am supported by the authority of Dr. Paranjpye in the Taxation Inquiry Committee. He said that nothing more than 8 annas per maund should be the ordinary salt duty in this country. If, at any time, the emergencies of the Government required it they might raise it for a temporary purpose, but ordinarily, the duty on salt must not exceed 8 annas, and I have taken that view of the matter for the present. Now, Sir, let me explain—I attempted to explain yesterday, but somehow stopped in the middle of it—the fullest significance of the amendment which I have given notice of. I wanted to explain it yesterday when I was dealing with the provisions of the Indian Salt Act, but somehow I was carried away to some other subject, till I dropped it in the middle. As I pointed out yesterday, the provisions of section 7 of the Indian Salt Act give three powers to the Governor General in Council, one imposition of salt tax, secondly reducing the salt tax, and thirdly remitting the salt tax, or any portion of it. As I stated yesterday, these three terms in law has each its own significance, and I am sure the Honourable the Law Member, sitting by the side of the Finance Member, will bear testimony to the fact that a Statute does not contain superfluous words, does not contain a word which has not its own significance.

The Honourable Sir Brojendra Mitter (Law Member): It ought not to.

Mr. C. Duraiswamy Aiyangar: I accept that statement. What I say is, unless the Honourable the Law Member today finds fault with the framers of the Indian Salt Act of that time for having introduced words which ought not to have been introduced, I should think that the framers of the law then had as much attention paid to this necessary consequence of introducing words in the Statute as the Law Member does today. They were as much familiar with the interpretation of Statutes, I presume, as the Honourable the Law Member today. Now, I say, there are three words—impose taxes, reduce the tax and remit the tax. Now, the word “remission,” which I am using, means that the Government remits a portion of it. In other words, Rs. 1-4-0 will be the tax which is fixed by the present Finance Bill, but at the same time it is open to His Excellency the Governor General in Council, under rules made under that very same section, to remit a portion of it, and I ask 12 annas to be remitted. In effect it comes to this—you pay me 1-4-0 I give back 12 annas. In other words I will take 8 annas, but in my book, it will be shown as 1-4-0 leviable and 12 annas remitted as a matter of grace under that rule, and the amount collected 8 annas. I put it in that form, and I make no secret of my intention in the matter, because we have unfortunately to consider another Act along with the Indian Salt Act, and that is the Indian Tariff Act. Under the Indian Tariff Act, Art. 35, we find that duty to be levied on salt imported by sea is the same as the rate at which excise duty is for the time being leviable on salt manufacture in the places where the import takes place. This has been always applied for the purpose of equalising the excise duty and the import duty on salt imported by sea, and that was evidently a protection, not for our Indian industry, but a protection for the English industry. In order that the English industry of salt may not suffer, we are asked to pay the same duty upon salt manufactured in this country. Now, Sir, be that as it may, my point now is that, where foreign imported salt has not made its headway let some relief be granted to the poor people and let the people who do not complain about it pay the tax. Then the tax which

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will be leviable will have to be distinguished from the tax actually levied. Therefore the leviable duty will be 1-4-0 per maund and that will be the basis for the interpretation of article 35 of the Indian Tariff Act, and for purposes of other salt manufactured and produced and consumed in other parts of British India, I think the relief will be considerable, and the Government may very well give that relief. Now, in 1924, I think, in order to remove this inseparable association between the Indian Tariff Act, article 35, and section 7 of the Indian Salt Act, the interdependence or inseparable wedding, shall I call it, I framed two draft amendments, one to the Indian Salt Act and another to the Indian Tariff Act, and when I sent up those Bills to the Government of India for sanction, sanction was withheld, and therefore I could not bring before this House those two Bills for which sanction was necessary. Now let it not be taken that this is a device which I have adopted in order to give effect to my own two amendments. I have put it at the mercy of the Government, to levy the tax at 1-4-0 and to remit 12 annas for the sake of relief to the poor. This does not clash with either of these enactments. If you read clause 2 of the Bill, along with this amendment, it will give the power to this Government to impose 1-4-0 per maund, and under the proviso I have put in people will be benefited to the extent of 12 annas. I therefore expect the Government not to make hair splitting distinctions, not to come forward with technicalities, but, on the other hand, to take my amendments in the spirit in which I have placed them before the House, and give effect to them in a broad and magnanimous spirit, so that they can find their way to help the poor people.

Now, Sir, the Salt Act and the Tariff Act require, in my opinion, some amendments of some improvements. The Indian Tariff Act says that the import duty shall be:

"The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place"

As salt is not manufactured in Bengal the importers may plead that no duty is leviable on the imported salt. Let the two Acts be revised and let there be no interdependence.

Now, Sir, it will be pleaded, I am sure, that there will be considerable loss of revenue if the salt tax is reduced. I only give rough figures. I am never an expert in giving correct figures by calculations, because, long ago, even in my school days, I was never good at arithmetic. (Laughter.) Out of Rs. 6,34,64,000, imported salt duty will give you 1 crore and 80 lakhs, and giving effect to the amendment which I have proposed, will give you 2½ crores, and there may be a loss of 3 or 3½ crores, but if, according to my appeal you increase the production of salt and make it available in larger quantities, surely it ought to be possible for you to produce 6½ crores more in order to supply the requirements of cattle and agriculture. If that is done, the revenue will not be lost, and it will give additional employment to labour, additional encouragement, and also health to people, cattle and agriculture, and at the same time make up your revenue.

I do not propose to be able to point out to the Honourable the Finance Member how he can make both ends meet. His predecessor found it of no moment to find the money for the Lee Commission concessions. Will not

this Finance Member see his way to finding the money, if there be any real loss by giving effect to the amendment I propose? He can retrench expenditure, overhaul the Tariff Act and charge a higher duty on luxuries and things which are now escaping free or with a light tax. Let him put a tax on foreign wine, for instance.

The Taxation Committee also made some suggestions as to substitution of some existing taxes by new ones. I don't agree with the order of precedence in their suggestions. I have a quarrel with my friend, Dr. Hyder, who was in both the places—Taxation Inquiry Committee and Linlithgow Commission, and did not deal properly with the question of salt. I gave him a warning yesterday to be in the House. These are various suggestions placed before Government, anyone of which, if adopted, will surely give relief to the poor. I, therefore, Sir, request all sections of this House to help the poor man. To the rich men particularly I would give a warning, that if they do not co-operate in the reduction of the salt tax, their behaviour will always be construed to mean that this is a rich man's House, not a poor man's House, and that evidence has not been wanting, that they do not sympathise with the poor. Sir George Rainy raised the import duty on yarn in order to benefit 50 spinning mills in the Bombay Presidency, which cause considerable loss to six million handloom weavers. All that was done at the request of the rich people. I ask the rich people not to co-operate with them but to see that the poor man's salt was also provided for by their voting on the reduction of the salt tax.

Sir, one gentleman, the Revd Dr Wilson, once made serious allegations.

"The increase in the salt tax is recommended by the higher classes in order to evade the burden of the income tax."

That is the charge that was laid before a Select Committee in Parliament. I ask the rich people to take a note of it and see that they do not lay themselves open to such a charge any longer.

To the Government I will give one warning. The fact that, for so long they have been refusing to take into consideration the difficulties and hardships of the poor and have immortalised the salt tax, should not be a ground why they should still perpetuate it. I appeal in the words of Lord Dalhousie:

"The Government, in my opinion, should be far less ashamed of confessing that they have committed a blunder than of showing reluctance to remedy an injustice lest they should, at the same time, be convicted of having previously blundered."

That is the statement of Lord Dalhousie. I ask you to take warning, to correct the blunder of the past, and to give relief to the poor without any further delay.

Now, Sir, what has England been doing with reference to salt? What was the position in the seventeenth century, namely, from 1700 to 1750? It was in a very sorry predicament as regards salt. I quote from Gibbon's History of England:

"Another mineral which is very abundant in England, especially in Worcestershire and Cheshire was at this period hardly utilised. Salt was a necessary of life to the English householder for he had to salt his meat for the winter; but he did not know how to mine it himself and either got it imported from South West France or contented himself with the inferior article evaporated on the sea coast until the end of the seventeenth century."

[Mr. C. Duraiswamy Aiyangar.]

They were depending on France. Subsequently they found out a method of manufacturing salt. Did they impose a salt duty on the salt manufactured in England? They gave an abundant supply of 45 pounds per head. They have also been exporting their salt and sending it to Bengal. Have they levied a duty in England? Why then should another course be adopted so far as India is concerned? Are you sure that India cannot be self-sufficient? On the contrary India is self-sufficient and will also be able, like England, to export its salt to other countries which may need it.

(At this stage Mr President resumed the Chair.)

Whenever we talk of the hardship of the salt tax, we are told that it is only three annas per head, and that it does not very much matter. We are told that no appreciable relief can be given in this matter. Personally I have no faith in these statistics. Three annas per head is the salt consumption, that is one statistical statement. Seventy-four rupees per head is the average earning, that is another statement. They say that, if a man earns Rs. 74 per year, he can afford to spend three annas out of that for salt. These are, after all, our statistical figures. The average earning of a man is raised by the earnings of the rich people. Say "A" earns Rs. 995 per annum, and "B" earns Rs. 5 per annum, their average earning, according to Government statistics, will be Rs. 500 per annum. That is not a fair way of calculating the earnings of a poor man in considering his hardship. On the other side, the salt consumption of a rich man is much less than that of a poor man. The rich man gets his salt from England even in his biscuits, whereas the poor man gets his salt only from India and requires much more than the rich man for his food. Therefore you should not rely too much upon the average of three annas per head as salt consumption, for the poor man requires much more salt, and, as I have already pointed out by figures, the poor man requires considerably larger quantities of salt than are at present supplied to him. And that which is supplied is supplied at a considerably higher price than that at which he is able to get it. Sir, I move my amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, coming as I do from Orissa, where millions of people were at one time living on the manufacture of salt, and who today are homeless and without bread, I whole-heartedly support the motion which my Honourable friend Mr. Duraiswamy Aiyangar has brought before the House. I am glad the Honourable the Finance Member told us the other day that the Tariff Board is going to inquire into the problem of the manufacture of salt in India. My Honourable friend Mr. Duraiswamy Aiyangar pointed out, and the other day, my Honourable friend, Mr. Neogy, also pointed out how the Government policy did away with the industry of the manufacture of salt in India. I will particularly refer to my part of the country, Orissa, where Government action did away with the manufacture of salt. I will also point out how, even now, if a protective policy be adopted by Government in my part of the country, salt manufacture can be restored, not only in that part of the country but also in almost all parts of India. The other day the Honourable the Finance Member said:

"As far as the Government are concerned, the manufacture of salt became uneconomical when railways brought the salt into Calcutta as compared with the cost when it was imported by sea. And Government, holding this view, are not prepared to undertake the manufacture of salt on an uneconomical basis."

Sir, I do not think it is one of the unimportant factors, that the price of salt today varies in different places. Salt is sold at different places at different prices, which is partly due to transportation by railway, and partly due to other methods of transportation. In the Annual Administration Report of the Northern India Salt Revenue Department, on page 3, I find the price of salt per month varied in different provinces. In the North-West Frontier Province it was Rs. 2-5-10 per maund, in Bihar and Orissa it was Rs. 3-3-8 per maund, and in the Central Provinces it was Rs. 3-3-7 per maund, in Rajputana it was Rs. 2-4-10, and in Central India, it was Rs. 2-11-10. These are the figures for 1925-26. The figures supplied for 1926-27 varied slightly from those for 1925-26. In the matter of transport, cheap transport facilities may have been provided by the railways. That is not an unimportant factor, and want of proper transportation facilities actually killed the salt industry in India. But the fact remains, prices vary, and so salt can safely be manufactured in localised areas to feed certain areas at suitable prices, to compete with imported salt.

I will now show that it was the deliberate policy of Government to kill the salt industry in India and to do away with salt production in India. Sir, of course the Government, in the year 1929, may say that the salt industry is not an indigenous industry and has no chance and so is not to be protected. In the good old days of the East India Company, Government, when probably the Company Government had its prick of conscience, used to think how best to protect the indigenous salt industry, whereon millions depended for their subsistence. We have to go back to old records to visualise what they felt then. I find in the Report of the House of Commons, Indian Territories, Fourth Report, 1853, there is an appendix where the Secretary of the Board of Revenue addressed a letter to the Secretary of the Government of Bengal on the 29th June, 1852, on the salt policy of the Government of India. I read paragraphs 22 and 23 of that report to show the policy of the Government, and how, at the time, Government were feeling that imported salt was killing the indigenous salt industry of India. Paragraph 22 says:

"The result of this unexpected increase in the supply of foreign salt has, of course, been to compel the Government to contract the home-manufacture, and, in pursuance of that object, to abolish the agency of the 24-Pergunnas, to suspend the manufacture for an indefinite period in Chittagong, and to limit it in Cuttack to the quantity required for local consumption. The provision in the remaining agencies has also become less than in former years, and is likely, unless measures can be taken to alter the present tendency of affairs, to be still further diminished. No salt is now manufactured along the whole line of coast from the Hooghly to the southernmost point of the Chittagong district."

Paragraph 23 says:

"This state of things, so injurious to the home producer and to the industrial interests of the country, appears to the Board to demand close inquiry and, if possible, the application of a remedy. *The discontinuance in any district of a manufacture in which thousands of persons have been engaged all their lives, and from which they have derived a large portion of their subsistence, is a most serious calamity, which the Government is bound to avert by every possible means*"

(Speaker's Italics.)

"consistent with the maintenance of the revenue derived from salt and with fairness to the foreign importers."

Sir, when I began my speech, I said there were more than a million people in Orissa alone, who were subsisting on salt manufacture, and it is the abolition of salt manufacture in Orissa that did away with these people.

[Mr. B. Das.]

and did away with the method of their earning a livelihood however meagre it was.

In an Appendix at the end of that Report I find there is a statement which gives the cost of salt manufactured in Orissa in the year 1849-50. In Orissa there were three districts where salt was manufactured by Government. In Balasore district the total quantity of salt that used to be produced was 3,45,489 maunds and the cost of production to the Government was Rs. 1,83,833. In the Cuttack district, the total production of salt was 2,14,799 maunds, and the cost of production to the Government was Rs. 1,19,699. In the Puri district, the total production of salt was 5,18,824 maunds, while the cost of production came to Rs. 1,66,374. In fact, the Government had been producing about 10 lakhs of maunds of salt when they monopolised salt manufacture, and their expenditure came to about Rs. 5 lakhs. But at that time they used to levy a tax of Rs. 2-8-0 per maund, and the income which the Government used to get from the Orissa salt was a figure much higher than Rs. 20 lakhs. Now, I won't speak in my own words, but I shall quote certain high authorities as to how the salt industry was killed by the Government policy of revenue tariff and also their policy of encouragement to importers to bring in foreign salt. There was an inquiry committee in the House of Commons, and they went into the question as to the effect of importation of foreign salt into India, and one Frederick James Halliday, Esq.—I think he was a high Bengal official at the time—gave evidence. He was one of the many people who appeared at the time before that commission of inquiry. While discussing the policy of the Government of the time of giving more and more facilities to the importer and putting great obstacles in the way of the manufacture of Indian salt, Mr. Halliday said that:

"The Government system has told against itself, and in favour of, instead of against, the importer."

This policy of the Government, whether it was accidental or whether it was deliberately done, tended to help the importers of salt, and thereby the manufacture of salt was slowly and by degrees abolished. I shall quote another important extract, Sir. My Honourable friend, Mr. Neogy, quoted it on another occasion, but the remarks are so pertinent here that I take the liberty to quote it again. A question was asked of Mr. Halliday, question No. 7596, as below:

"Supposing all duty were taken off the import of salt, and the Government abandoned any interest in the manufacture of salt, leaving the manufacture of salt free to the natives, without any excise duty or any impediment, what, in your opinion, would be the effect upon the importation of salt to India?"

The reply given was:

"It is generally understood by those best acquainted with the subject, and it cannot be denied by any one who looks into the details, that the present price of the Government-manufactured salt in Bengal is very much raised to the consumer in the market by the necessary want of economy, not to say extravagances, connected with the Government system of manufacture, and by those many speculations and extortions, and corruptions which are inevitable in such a system, and carried on with such instruments."

I would invite the attention of the House particularly to the following sentence, which is important:

"It has seemed almost certain under those circumstances to persons informed upon the subject, that if the Government were to withdraw, if there were no duty imposed, and the whole were left perfectly free, the native manufacturers in Bengal would forthwith completely and entirely undersell the imported salt, and there would not be a grain of salt imported into Bengal."

I am sorry my Honourable friend Mr. Kabeer-ud-Din Ahmed is not here now. I would be able to take him back to 1850, when in Bengal, though salt was imported in large quantities, the Government at the time felt it was doing great harm to indigenous salt. Now, Sir, that sentence, which I read just now, sums up the demand made by this side of the House. If Government revise the tax on salt by which they are raising a huge revenue, if they see their way to abolish the salt tax completely, India can become self-supporting, in spite of high-sounding theories that are being advanced, that there will be no advantage gained therefrom and that the scientific system of manufacture followed in foreign countries will not permit the Indian manufacture being carried on. Sir, as a parallel example, I may say that, even in spite of aeroplanes and motor cars and tram cars, bullock carts are still plying in the streets of India and their numbers have not decreased, nor is their utility less today. So, even if the system of the manufacture of salt has all along stood in its crude stage in this country, owing to the climatic, social, economic, and other conditions prevalent here, that system will always be able to compete with any up-to-date scientific or mechanised process of manufacture of salt (Hear, hear) So obstruction should not be the policy of the Government. The policy of the Government should be to restore and revive the indigenous industry, which was, and is, our national industry, and not to persist in its old policy, in spite of England being not now such a large exporter of salt to India as in the old days. I say Government should not persist in such a policy of not helping the home industry; they must revive the indigenous industry of India by abolishing the salt excise duty on indigenous salt and by raising a tariff wall against imported salt.

Sir, I put forward these views in expectancy, and I would not have put them forward had I not felt a little happy at the assurance of the Honourable the Finance Member the other day that there would be an inquiry by the Tariff Board, and if the Tariff Board are not actuated by any other sentiments or policy than the principle that this particular indigenous industry should develop and India be self-supporting in salt, then naturally they will go deeply into the old records of the Government of India and into the books of the library of the Secretariat, to see how the pernicious administrative policy of the Government of India in the past has killed this one indigenous industry in particular parts of India. I am sure, but for that policy of the Government, other parts of the country would have also begun to take to this industry. Still, Sir, I do not think it would be impossible for the Government to abolish this salt tax. My Honourable friend Mr. Duraiswamy Aiyangar's suggestion is a very plausible one. He says "abolish part of the excise duty". If the Honourable the Finance Member abolishes part of the excise duty now, in spite of our voting it down or not voting it down, naturally he may anticipate the recommendations of the Tariff Board and abolish the other part of the duty next year or some time hence after the report of the Tariff Board be made.

Sir, one word more and I finish. I feel I must comment on the statement of the Honourable the Finance Member the other day on the Orissa salt industry. He said:

"Generally speaking, the possibilities of producing salt in Orissa are, according to the opinion of the Government, not at all favourable. There are serious physical disadvantages. The brine does not contain as much salt as could be expected, because the water from the rivers flowing into the sea is generally more than the normal quantity."

[Mr. B. Das.]

Elsewhere he said, in reply to the speech of Pandit Nilakantha Das, that the Government had no knowledge of any particular allegation regarding obstruction to the manufacture of salt by the Raja of Parikud. He proceeded :

"The Government of India have no knowledge of the particular allegation. It is an agency subject in Orissa, and it must be the Bihar and Orissa Government that has dealt with the alleged application. However, we will take steps to inquire into the matter "

Regarding the scientific analysis of the salt manufactured and the low value of salt, I do not feel it to be a great drawback. - As I said, already, we will proceed to manufacture in our own crude way, as we had been doing all along; it is a cottage industry. Let it be developed in that form when incidentally, it will provide means of subsistence to millions of people of this country along the coast of Orissa. And such salt as is produced will continue to be taken on bullocks and in bullock carts to the interior of the country in spite of big rivalry by the railways and steamship companies. These are places which are only approached by country boats and bullock carts. So fear of competition of modern modes of transport need not deter us from reviving an old cottage industry. As my Honourable friend, Pandit Nilakantha Das the other day said, Orissa salt used to be sold in the interior of the Central Provinces. So, Sir, in view, of the righteous intention of Government, I have once again raised and pleaded this question of salt manufacture on the Orissa coasts, and let me hope in all earnestness that Government are going to put their intention into action regarding the manufacture of salt on the Orissa coast.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas Non-Muhammadan): I am aware, Sir, that speaking as I do on the subject after the lengthy debate that took place on the 7th March, and after the exhaustive speeches that have been delivered on this occasion by my friends Mr. Nilakantha Das and Mr. Duraiswamy Aiyangar, I am labouring under a distinct disadvantage.

Mr. President: What about Mr. B. Das?

Kumar Ganganand Sinha: As a matter of fact I am at a disadvantage because I speak after the speakers who have preceded me.

Mr. President: Is there anything new?

Kumar Ganganand Sinha: Yes, Sir. I take part in the debate mainly with a view to review the motions before the House as briefly as I can in my own way. After having recorded our vote for not taking the Bill into consideration, I think the consistent course for us to follow would have been to vote this clause down too. But I find that the amendments

that have been moved with regard to this clause mean—some of them at least—practically the total rejection of this clause, and I think I can take up that position in discussion on amendments. Sir, the Honourable the Finance Member, while winding up the debate on the consideration stage of this Bill, characterised these Benches as filled by persons whose suggestions were destructive. True, we are out to destroy the Finance Bill, and if possible the system of Government which has brought it forward; but he must also have known by this time that at least one of the amendments that has been moved with regard to this clause, I mean the amendment standing in the name of Mr. Duraiswamy Aiyangar, is not a purely destructive one. In his elaborate speech he has quoted facts and figures to show that his amendment, if the Government would accept it, would be a destructive amendment so far as their own clause is concerned, but a constructive amendment so far as the nationalist point of view is concerned. We on these Benches have clamoured, and clamoured in vain for all these years, for two things mainly, namely, that the Indian salt industry should be fostered, and secondly that the salt should be made cheaper. It has been the position of my Honourable friend, Mr. Kelkar, also when he moved his cut on salt the other day. He has made it clear in his speech and I crave the indulgence of the House to quote a sentence from his speech which sums up his position. He says:

"I would not oppose a small salt duty because it would be a revenue duty, and in my opinion even the poorest of the poor under the constitution and under this Government, if they should be self-respectful, should be expected to contribute say about 8 annas for a maund of salt."

Of course he has taken up a middle position, he has taken up a position by which he ably establishes that we would be benefiting the salt industry in India and also cheapening the salt in this country. The position taken up by my friend, Mr. Duraiswamy Aiyangar, is much the same when he moved his amendment. But the fact is that, although Honourable Members on his side of the House want that a nominal duty may remain on salt, they have emphatically stated that this tax is an obnoxious tax and the earliest opportunity should be taken to abolish it altogether. The latest observation on this point was the one made by the Indian Taxation Inquiry Committee, and I think it would bear repetition if I read a few sentences that have been already quoted in this House. The Taxation Committee say:

"The objections to this tax are all well known. It falls on a necessary of life, and to the extent that salt is essential for physical existence, it is in the nature of a poll tax. The bulk of it is made by those who are least able to contribute anything towards the State expenditure. Salt is also required for the various industrial and agricultural operations and for cattle. Unless it is issued duty free for those purposes, some burden is thrown upon the industries in which it is used."

Sir, I would again and again draw the attention of Honourable Members on the Treasury Benches to these observations of the Taxation Inquiry Committee.

Sir, the feeling of the people of this country with regard to salt tax was made abundantly clear during the agitation that followed the certification of the enhanced duty on salt, which was levied by the Finance Bill of 1922-23. In the publication called "India" for the year 1922-23 and 1923-24, a summary of what happened in the country is given, and it would perhaps refresh the memory of this House if I read the observations contained in those volumes, instead of attempting to express them in my

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own language. At page 295 in "India in 1922-23" under the caption 'Salt tax', the following observation occurs:

"The salt tax has, from its early days, been unpopular, the agitation against it dating back almost for 20 years. The objections to it, though mainly sentimental, are none the less real . . . Little attempt was made to dispute the accuracy of the Government's assertion that the burden upon each individual and even each family was extraordinarily small, but in the eyes of the Assembly, the salt tax 'the incidence' of which extended to the poorest of the poor was *per se* distasteful. Apart from any question of compunction, which they might have had in adding to the burden of the classes sunk in poverty, the majority of the Members had naturally to consider the question of their approaching election. They urged that the imposition of the enhanced duty would place a premium upon non-co-operation, and if they failed, their position in the eyes of their constituents would be gone for ever."

Sir, the author of this publication admits that this is an unpopular tax and it has continued to be unpopular for many years, but he belittles the vote of the House by saying that it was on account of the consideration of approaching elections that the reduction was carried in this House, and the duty had to be certified by the Viceroy. Sir, I may point out to Honourable Members on the opposite Benches that it is not proper to treat lightly the consideration of approaching elections which prompted the House to vote down the tax,—because election plank is a matter which should receive due consideration both from the popular representatives in this House and Members on the Treasury Benches. After all, what business have they to occupy those Benches if they do not accede to the popular demand? That there has been a popular demand for it has not been challenged. On the other hand it has been admitted again and again by the official chronicler in his review of "India in 1923-24". He admits in his Report that the cry about the salt tax had its effect on the elections, and the people did not vote for those who had any hand in the enhancement of the salt tax. The people thought that the Swarajists who went there would bring sufficient pressure on the Government to make such things impossible. This was, as the chronicler says, one of the reasons which accounted for the increasing return of the Swarajists to this House. I think that it should have acted as an eye-opener to the Treasury Benches, and they should have known how unpopular the salt tax was and how it was hated by the country at large. The Government Benches cannot deny that the burden of this tax falls mostly on the agricultural population, and if I just describe the condition of the agricultural labourer in the words of the official chronicler, the author of "India in 1927-28" I think it would be conclusive proof to show how unjust the salt tax is. Sir, on page 97 of "India in 1927-28" he admits that:

"There is a vast amount of what can be only termed dangerous poverty in the Indian villages, poverty is of such a kind that those who are subject to it live on the very margin of subsistence. This may be taken to be the normal state of millions of agricultural labourers who own no land themselves and whose income consists mostly of customary wages paid in kind."

These are the people, Sir, on whom the burden of this obnoxious tax falls, and if the Government persist in continuing this tax, I fail to understand in what words they should be condemned for committing this atrocity. In the debate that took place on the 7th March there was a significant point brought out by the Honourable the Commerce Member in this connection. He said:

"Now, Sir, several speakers attributed the policy adopted by the Government of India and the East India Company in the past to a desire to encourage the British

product at the expense of the Indian product. Into the question of history I do not propose to enter at all today; but lest any Honourable Members should have an impression that, on this side of the House, our policy is in any way influenced by a desire to assist or protect the manufacture of salt in England, I should like to give a few figures. The total consumption of salt in India—that is to say, imports and local production—in the year 1927-28 was a little more than 2 million tons. The imports were about 6,00,000 tons, and the imports from the United Kingdom about 80,000 tons—that is, only 4 per cent of the total consumption and only 13 per cent. of the total imports. Now, I think it must be clear that the quantity involved is relatively so small that to suppose that that is a guiding factor in our minds would almost be an insult to the intelligence of the Treasury Benches—I will not put it higher than that."

By making this observation, he led us to believe that the importation of salt from the United Kingdom was not a factor which weighed with the Government, and that the intention of the Government was not to encourage British salt manufacture at the cost of the Indian. What we say is this, that it is due to the British imperialistic commercial policy that salt is imported into this country. Well, Sir, it may be that salt may not be loaded at Liverpool and brought to the Indian coast. We know that tramp ships come with merchandise loaded from English and adjoining ports, and they bring the merchandise to Aden and Egypt. They have very little expensive merchandise to carry from Egypt to India and they have to take Aden salt and Egyptian salt and import them to the Indian ports at a very nominal rate. They have to take this supply of salt after having unloaded the merchandise in the ports of Aden and Egypt; otherwise, they would not be able to ballast their ships, which come here to carry away the raw produce from this country. They have to flood the United Kingdom and the European countries with raw products from this country as they have to flood this country with finished articles of foreign manufactures. In this process the carrying to and fro of salt helps them a good deal, and that is one of the reasons why we say that it is a part of the British imperialistic commercial policy which is responsible for the importation of salt into this country.

Before I dismiss this subject, I would like to quote a few figures of the import of soda compound which would go a very great way in establishing that the plea that Government is not helping the British trade of salt is quite without substance. In 1923-24 the import figure of soda compound into this country was 10,73,716 cwts.; in 1924-25, 11,81,974 cwts.; in 1925-26, 11,46,565; in 1926-27, 13,99,266 cwts.; in 1927-28, 14,90,507. Their values in these years respectively are in rupees—

95,65,664
1,00,07,141
88,39,075
1,05,75,192
1,12,35,381

These are the total import figures for all the years that I have mentioned, and when we compare them with the import figures of the British Empire we irresistably come to think as I have already stated. We will see that large part of this imported soda compound has been imported to this country by the countries in the British Empire. In 1923-24, the import from

[Kumar Ganganand Sinha.]

British Empire is 10,21,985; in 1924-25, 10,70,598; in 1925-26, 10,84,273; in 1926-27, 12,95,091; and in 1927-28, 18,98,604. The value in rupees is:

87,86,389
87,76,281
80,09,456
94,86,089
1,00,29,311

respectively So it does not lie in the mouth of Honourable Members opposite to say that they are not benefiting the British Imperial trade by their apathy towards Indian Salt industry. I would just give another example of how they are not as earnest in this matter as they should be. The Taxation Inquiry Committee recommended:

"In the case of agriculture, rules have been issued in Bombay, which appear to be on the right lines, and the Committee would suggest that they should be extended to other provinces."

This is at page 147 with regard to duty-free issues. But in the Report on the Administration of the Salt Department in the Bombay Presidency we find:

"Denatured salt for use as manure, free of duty at the fixed rate of 13 annas per maund, was issued from convenient customs houses, salt works and fish curing yards to the extent of 2,900 maunds during the year under report against 2,407 maunds during the previous year."

So, the use of denatured salt is also increasing, and it will be interesting to know what steps Government is taking to carry out the recommendations of the Taxation Inquiry Committee, which I have just quoted.

Now, Sir, we may be asked, if we are going to reduce or omit the salt duty, how we are going to make up the shortage in revenue? The only reply that we can give to that query is that it is none of our business to suggest that, unless we have got the responsibility. Had we the responsibility in our own hands, had we, the representatives of the people, the framing of the budget in our hands, the question coming from those Benches would have been pertinent. Here, we are denied that responsible position. Here, we are told that the Government do not share their responsibility with the elected representatives of the people. And for the Government to ask us to suggest another source of revenue is something which I cannot understand. I hope the debate will attract the serious attention of the Government and with that hope I resume my seat.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: I propose to put the amendments one by one to the vote, except the first two, which are in the name of Mr. Ram Narayan Singh, which I shall put to the vote together

The question is:

"That in clause 2 of the Bill, after the words 'to impose' the words 'or to remit' be inserted,"
and

"That in clause 2 of the Bill, for all the words occurring after the words 'the 1st day of April, 1929,' the following be substituted:

'They remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section'."

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): May we expect the Government reply on the first amendment?

The Honourable Sir George Schuster (Finance Member). I thank you, Sir, for giving me an opportunity to say a few words in reply. I do not wish to take up the time of the House at all long on this particular question. The grounds on which the Government must, I regret to say, oppose all these amendments are that there is no reasonable alternative available to the Government to replace the revenue which would be obtained from the salt duty which we have proposed. That being our real reason for rejecting these amendments, I do not wish to enter upon a long disquisition as to the merits of the salt duty. I am sure Honourable Members will recognise that this is a practical question, and as I say, there being no other reasonable alternative available, we must proceed with our proposals. There are, however, one or two remarks which I should like to make, arising out of what has been said by the other side. We have to deal, broadly speaking, with two classes of amendment—amendments which propose either the abolition or the reduction of the tax, taking the tax on imported salt and on salt produced in India together—that is one class of amendment—and the other class of amendment is that which proposes to create a differential rate of duty, that is to say, to reduce the excise duty on salt produced in India and to leave the import duty at its present level. I take it, Sir, that the purpose behind that second class of amendment is a double one. It is aimed, in the first place, at reducing the cost of salt, and in the second place at increasing the production of salt in India. As regards the reduction of the price of salt, the arguments in favour of that would be the same as those which would be advanced in favour of the total abolition or reduction of both import and export duties, and on that the only thing which I have to say is this, that if we are looking at the benefit of the poorer classes of this country, I think it is very doubtful whether they would, in fact, receive the full benefit of the reductions which are proposed. One has to realise that salt is sold in very small quantities and that the Government has no power to control retail prices. The reduction of four annas per maund would only mean the reduction of just over one pie per seer and I think the opinion, at any rate, of our experts on that matter is that such a reduction would not in effect be passed on to the consumer. When you come to a larger reduction, say 12 annas per maund, some of it might perhaps be passed on, but I would ask Honourable Members to consider this question on the practical side, and, while I quite sympathise with all the arguments I have heard, I think their criticism might be more effectively directed to the way in which the proceeds of the salt tax are applied, rather than to the actual levy of the tax itself. What I mean by that is that I do not believe the poorer classes of this country would

[Sir George Schuster.]

get the full benefit of a reduction, and I believe it would be better for them if the tax were retained and the money were used directly for purposes beneficial to them. That, Sir, is, at any rate, the way in which I would look at this question, taking the interests of the poorer classes of this country into consideration.

As regards the proposal to introduce a system of differential duties, so as to encourage the production of salt in this country, I think it is necessary to take into account the fact that that proposal might not benefit the consumers in this country. Two-thirds of the total salt consumed in India is produced at home, and if we have what amounts to a protective duty, it is likely that the price of the home produced article would be raised up behind the wall of that protective tariff. There again, I think, the poorer classes of the country will not get the benefit which the Honourable Members who proposed these amendments have in mind.

On the question of the general policy of making India self-supporting as regards the production of salt, that was a question which was touched upon in previous debates, and both my Honourable colleague, Sir George Rainy, and I dealt with that question. The demand had been put forward that a Tariff Board inquiry should be instituted into the matter. My Honourable friend, Mr. B. Das, in his speech, said—if I understood him correctly—that we had now undertaken to have a Tariff Board inquiry. I must point out that that is going rather farther than anything which I said on the subject. I said that it seemed to me that circumstances had changed since the matter was debated last year, and that that change in circumstances might alter the Government's view that there was now a *prima facie* case for a Tariff Board inquiry. I gave this House an undertaking that I would myself pay a visit to Karachi, which is the principal centre where the sort of salt that is imported from abroad could be manufactured. I said that I would visit Karachi, and as soon as I had done that, I would take the matter up again with Sir George Rainy. That is the position in the matter. As a matter of fact since I addressed the House on that question, I had an opportunity of seeing one of the Managing Directors of a new company which has been started at Karachi for the production of this fine, white, crushed salt, and according to his statement there is the possibility of producing fine, white, crushed salt on a large scale at Karachi. The difficulty, as far as I can see it, will be how the very large quantities—we are dealing with a matter of 500,000 tons—can be transported from Karachi to Calcutta. That can only be done by sea. Salt will not stand the heavy railway charges, which would necessitate the salt being carried at a loss, and I think that Honourable Members will recognise that, to carry anything like 500,000 tons a year from Karachi to Calcutta is a very important undertaking, and it cannot be done unless the ships which take that salt get some sort of backward freight. You cannot introduce a huge new factor of that kind into the trade unless it can be made to fit in with the general ebb and flow of traffic.

I only mention this point to indicate to the House that we are considering the question, and that it has been possible for me to get more knowledge about it since it was brought up in debate in this Assembly a few days ago.

There were certain points in the very interesting speech by Mr. Duraiswamy Aiyangar, to which I think I should make some reference. He complained about the high prices of salt in certain districts, but that, of course, is due mainly not to the duty but to the transport charges. I think that is a point which is often forgotten. The initial cost of production is very small, and the duty is also relatively small, but in many parts of India the biggest factor of the price is the cost of transporting it from the place where it is produced to the place where it is marketed.

Then he spoke at length on the needs of salt for cattle, and again of the needs of salt for agriculture for purposes of fertilizers. I want to mention one thing to him, and that is that we already have arrangements that salt, to be denatured with crude oil and bone dust, is issued free of duty in Bombay. I think this Government will be prepared to give an undertaking to consider any application for extending the use of an arrangement of this kind, if it is supported by the local Governments' Agricultural Departments.

I have only one other word to say on this subject, Sir, and that is that the last speaker seemed to have taken me as having described the amendment put forward by Mr. Duraiswamy Aiyangar as a destructive amendment. I did not, in the least, regard his amendment as a destructive amendment, and when I made the remarks to which he referred, I referred to something very different.

Kumar Ganganand Sinha: I said it was destructive of the clause of the Finance Bill, but constructive so far as the Nationalist point of view is concerned.

The Honourable Sir George Schuster: I am afraid I have not caught the Honourable Member's point, but the point I wanted to make was that I did not regard Mr. Duraiswamy Aiyangar's amendment as merely destructive criticism.

I have dealt with those few points. I want to emphasize that, in dealing shortly with this matter, I do not wish the House to understand that I regard it as of small importance, but I do not think I am justified in taking up the time of the House in arguing this general question when I said that the real reason we must press for the retention of the duty is that we can see no practical alternative to raise the money for carrying on the business of the country.

Pandit Nilakantha Das: May I request the Honourable Member to give us his views on the salt earth cottage industry?

Mr. President: The Honourable Member may request, but it is for the Honourable the Finance Member to comply with that request.

The Honourable Sir George Schuster: If I have heard my Honourable friend correctly, he wishes to know whether Government could do anything to develop cottage industries?

Pandit Nilakantha Das: The salt earth industry in particular.

The Honourable Sir George Schuster: Saltpetre? Mr. Gaya Prasad Singh asked me a question on that matter two or three weeks ago. I immediately inaugurated enquiries into the matter and I have, waiting on my desk in my office room, a very large file containing a report and practical proposals. But the length of the debates to which I have been forced to sit and listen during the last ten days has made it quite impossible for me to read that file. I should like Honourable Members to take that as a practical illustration of the difficulty of carrying on Government if we have to spend a great deal of unnecessary time in listening to speeches on matters of this kind. I don't wish to say that the Honourable Member himself spoke in any way for the purpose of obstructing the business, but I do think he might have said all that he had to say in something less than one hour and fifty minutes.

Pandit Nilakantha Das: But that was not the question here.

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadian Rural): Sir, I wish to ask the Honourable Member if he is prepared to take into consideration the recommendations of the Taxation Inquiry Committee as to the extension of the rule for giving duty-free salt for the purpose of agriculture?

Mr. President: Order, order. I will put the two amendments of Mr. Ram Narayan Singh.

The question is:

"That in clause 2 of the Bill, after the words 'to impose' the words 'or to remit' be inserted",
and

"That in clause 2 of the Bill, for all the words occurring after the words 'the 1st day of April, 1929,' the following be substituted:

'They remitted all such duties hitherto imposed on salt manufactured in or imported by land into any such part, and such remissions of duties shall, for the purposes of the said Act, be deemed to have been effected by rule made under that section'."

The motion was negatived.

Mr. President: The question is.

"That to clause 2 of the Bill the following be added at the end:

'and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of twelve annas out of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

The motion was negatived.

Mr. President: The question is:

"That to clause 2 of the Bill the following be added at the end:

'and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed be construed as if with effect from the 1st day of April, 1929, they remitted the duty to the extent of twelve annas out of the said one rupee and four annas and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

The Assembly divided:

AYES—45.

Abdul Matin Chaudhury, Maulvi
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand
Hans Raj, Lala
Iyengar, Mr. A. A. Rangaswami.
Iyengar, Mr. S. Srinivasa
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad

Lahuri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala
Rao, Mr. G. Sarvotham
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas
Sarfaraz Hussain Khan, Khan
Bahadur
Siddiqui, Mr. Abdul Qadir
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad
Singh, Mr. Ram Narayan
Sinha, Kumar Gangnand
Sinha, Mr. Rajvaranjan Prasad
Sinha, Mr. Siddheswar Prasad

NOES—50

Abdul Aziz, Khan Bahadur Mian
Ahmed, Mr. K.
Alexander, Mr. William
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Croker, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lindsay, Sir Darcy
Mitra, The Honourable Sir Bhupendra
Nath

Mitter, The Honourable Sir
Brojendra
Mohammad Ismail Khan, Haji
Chaudhury
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed
Rao, Mr. V. Panduranga
Rau, Mr. H. Shankar
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad
Shillidy, Mr. J. A.
Simpson, Sir James
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad
Young, Mr. G. M.
Zulfiqar Ali Khan. Nawab Sir

The motion was negatived.

Mr. President: I shall now put Mr. Amar Nath Dutt's amendment to the House. The question is:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'eight annas' be substituted."

The Assembly divided:

AYES—42.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr M. K.
Aiyangar, Mr C Duraiswamy.
Aney, Mr M S.
Ayyangar, Mr K. V Rangaswami.
Ayyangar, Mr M S. Sesha.
Belvi, Mr D V
Bhargava, Pandit Thakur Das
Das, Mr. B.
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Mr Srish Chandra
Goswami, Mr T C
Haji, Mr. Sarabhai Nemchand
Hans Raj, Lala
Iyengar, Mr A. Rangaswami.
Iyengar, Mr S. Srinivasa
Jogiah, Mr V. V.
Kartar Singh, Sardar
Kidwai, Mr Rafi Ahmad
Lahiri Chaudhury, Mr D K
Lalchand Navalrai, Mr

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala
Rao, Mr. G Sarvotham
Roy, Mr B C.
Sarfaraz Hussain Khan, Khan
Bahadur
Shafee, Maulvi Mohammad.
Siddiqui, Mr Abdul Qadr
Singh, Mr Gaya Prasad
Singh, Mr Narayan Prasad.
Singh, Mr Ram Narayan
Sinha, Kumar Ganganand.
Sinha, Mr Rajjivaranjan Prasad
Sinha, Mr Siddheswar Prasad.

NOES—51

Abdul Aziz, Khan Bahadur Mian
Ahmed, Mr K
Alexander, Mr William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid
Bajpai, Mr G S
Bower, Mr E H M
Bray, Sir Denys
Chatterjee, the Revd J C
Coatman, Mr J
Cocke, Sir Hugh
Cosgrave, Mr W A
Crawford, Colonel J D
Crerar, The Honourable Mr J
French, Mr J C
Gavin-Jones, Mr T
Ghazanfar Ali Khan, Mr
Ghuznavi, Mr A. H.
Gidney, Lieut-Colonel H A J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain
Keane, Mr. M
Kikabhai Premchand, Mr
Lall, Mr S
Lindsav, Sir Darcy
Mitra, The Honourable Sir Bhupendra
Nath

Mitter, The Honourable Sir
Brojendra
Mohammad Ismail Khan, Haji
Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr V Panduranga
Rau, Mr. H. Shankar.
Rau, Mr. P R
Rogers, Mr P G
Roy, Mr K C
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A
Simpson, Sir James.
Singh, Rai Bahadur S N
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr E F
Tirlok Nath, Lala
Webb, Mr M
Yamin Khan, Mr Muhammad.
Young, Mr G M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived

Mr. President: I will now put Mr. Jogiah's amendment to the vote.

The question is:

"That in clause 2 of the Bill, for the words 'one rupee and four annas' the words 'ten annas' be substituted."

The Assembly divided:

AYES—48.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami
Ayyangar, Mr. M. S. Sesha
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath
Dutta, Mr. Srish Chandra
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand
Hans Raj, Lala
Iyengar, Mr. A. Rangaswami
Iyengar, Mr. S. Srinivasa
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad
Lahiri Chaudhury, Mr. D. K.
Lalchand Nava'rai, Mr.

Malaviya, Pandit Madan Mohan
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mittra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rang Behari Lal, Lala
Rao, Mr. G. Sarvotham
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas
Sarfaraz Hussain Khan, Khan
Bahadur
Shafee, Maulvi Mohammad
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad
Singh, Mr. Ram Narayan
Sinha, Kumar Gangnand
Sinha, Mr. Rajivaranjan Prasad
Sinha, Mr. Siddheswar Prasad

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys
Chatterjee, the Revd J. C.
Coatman, Mr. J.
Cocke, Sir Hugh
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lient-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra
Nath
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji
Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Tirloki Nath, Lala.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Nawab Sir

The motion was negatived.

Mr. President: There is yet one more chance for Honourable Members (Laughter.)

The question is:

"That in clause 2 of the Bill, for the words 'one rupee and four annas' the words 'one rupee' be substituted"

The Assembly divided:

AYES—56

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy
Aney, Mr. M. S.
Anwar ul-Azim, Mr.
Ayyangar, Mr. K. V. Rangaswami
Ayyangar, Mr. M. S. Sesha
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra
Ghuznavi, Mr. A. H.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Hussain Shah, Sayyed.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Mohammad Ismail Khan, Haji
Chaudhury.
Moonje, Dr. B. S.
Mukhtai Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvatham
Roy, Mr. B. C.
Roy, Rai Bahadur Tarit Bhusan
Sarda, Rai Sahib Harbilas
Satfaraz Hussain Khan, Khan
Bahadur
Shafee, Maulvi Mohammad
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad
Singh, Mr. Ram Narayan.
Singh, Raja Raghunandan Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Tirloki Nath, Lala.

NOES—44.

Abdul Aziz, Khan Bahadur Mian.
Alexander, Mr. William.
Allison, Mr. F. W.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chatterjee, the Revd. J. O.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain
Keane, Mr. M.
Kikabhai Premchand, Mr.
Lall, Mr. S.
Lamb, Mr. W. S.

Lindsay, Sir Darcy
Mitra, The Honourable Sir Bhupendra-
Nath.
Mitter, The Honourable Sir
Bijendra.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George
Rao, Mr. V. Panduranga
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George
Shah Nawaz, Mian Mohammad
Shillidy, Mr. J. A.
Simpson, Sir James
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir

The motion was adopted

Mr. President: The question is that clause 2, as amended, stand part of the Bill

Mr. M. K. Acharya (South Arcot *cum* Chingleput · Non-Muhammadan Rural): Sir, as we did last year on this very same motion, I desire this year also to lay on record the very deepest conviction of the vast majority of non-officials in this House that they regard the salt duty as something which in its principle and in its application, is very much opposed to their feelings of righteousness. I am quite prepared to admit, Sir, the official statement that the one tax that falls upon people, a political tax, therefore, as it is sometimes called, is the salt tax. I am prepared to admit that every man, every woman and every child in India has to pay this tax as in no other case every man, every woman and every child in India has to pay. The income-tax falls upon only those who are supposed to earn large incomes, and whether they pay it themselves or whether they get it from others, as some of my friends contend, it does not matter, it comes for the time being from them. Customs duties, postage stamps and so on are also supposed to come only from those who want to utilise the postal services or the customs department, but it is admitted that the salt duty falls upon all human beings as well as cattle. And, Sir, if it is therefore to be a duty which every one has to pay in return for what is called the protection which he enjoys at the hands of the Government, then the old political maxim, "No taxation without representation" in the case of this tax will hold good more than in any other case. If all the people have to pay a tax, then they must have some measure of representation, some measure of responsible government, some voice in carrying on the administration of their everyday affairs in which they are directly concerned. I put the question in all seriousness to the Government Benches, whether they can honestly say that all the men, women and children who pay this salt tax have really any hand, direct or indirect, in regard to the administration of any affairs in this country. We come here, most of us, the elected members of this House, come here from general constituencies, with the votes of very large numbers of those whom you may call the ordinary people; but we do not represent, we do not get the vote of every man in every general constituency. There is a property qualification, and it is fairly high, and I am sure I need not labour this point, that it is only by those who possess this high property qualification in our electorates, that members of the general constituencies are returned. Therefore, a very large bulk of the people—there are about 18 lakhs of inhabitants in the constituency by which I am returned, and the maximum number of voters in my constituency is between 21 and 22 thousands and therefore, a very large bulk of them are not really represented here. Unless therefore the day comes when we are fit for and when we can exercise reasonably and efficiently any powers of adult suffrage that we may get at any future time, till then it cannot be contended that the vast bulk of those on whom the salt tax falls do get any measure of representation. I therefore say that only some of those who pay the salt tax return us and not all. Not even those who are returned by the general constituency in this House can make the claim that they represent all the people in their constituency. Therefore, Sir, it is obvious that all are good enough for paying salt tax, but all are not good enough for returning Members to the Legislatures. It comes to that . . .

Maulvi Muhammad Yakub (Rohilkund and Kumaon Division: Muhammadan Rural). They are represented by nominated Members

Mr. M. K. Acharya: I do not want to labour the point. It will be plain to anybody who is conversant with contemporary politics. It is very plain that there is no measure of representation for all the people in this country, not only with respect to the higher Legislatures, but even with respect to their own affairs. They do not have any voice in the administration of their vital interests, in their own little towns and villages. There is no measure of self-government anywhere, no measure of self-government which will really justify any amount of political, universal, tax upon a people who are simply asked to pay a tax, and who have no voice in the administration of their affairs. It is on this large question, Sir, that I wish to enter my very strong protest against the continuance of this salt tax. My friends who have preceded me have been very eloquent and I do not think I can justly lay claim either to the histrionic talents of my good friend, Pandit Nilakantha Das, or to the eloquent statistics of my friend Mr. Duraiswamy Aiyangar. They have proved beyond doubt that this tax falls heavily upon the poor man in the country. It may be that those who sit in palatial houses do not know how the poor man suffers from hunger and want, it may be that some of them, even though they may know it, may think that it is part of the inevitable, inscrutable law that governs the universe that those who suffer must go on suffering and those who prosper must go on prospering, but philosophy may only help us to see the terrible misery; it does not help us to remove the misery, however much this House, I or anybody else may try to help them. In a word, Sir, it is obvious that this salt tax does fall heavily upon the poor people, and my friends have given statistical proof to show that, whenever the salt tax had been reduced, the consumption of salt had risen considerably in those years, though it may not have risen exactly in arithmetical proportion. And so I hope that, after the little cut which we carried a little while ago, the Government Benches will think twenty times before they advise His Excellency the Governor General to certify or restore the duty back to Rs 1-4-0. I hope they will carefully consider what the consequences of this restoration will be in the minds of the people at large in the country; even that little cut may carry us to some extent towards helping the poor people, and what is of greater consequence, we shall be helping them in getting a little more salt for their dumb driven cattle in the fields. Therefore, Sir, I wish, as a matter of duty, to lay on record my strong protest against this clause standing part of the Bill, which is the motion before the House. I do not, Sir, at this late hour, wish to inflict myself upon the indulgence of the House. I know that I am not a *persona grata* with any section of the House, but, Sir, I shall be untrue to myself if I do not enter my strong protest against this iniquitous salt tax. It does not matter to me how many here stand up and protest against this tax, I have lived all my life upon the conviction that—

“They are slaves who dare not be
In the right with two or three!”

So, standing here as a representative of my constituency, and indeed of the vast bulk of the people in this country, I do say, Sir, that the Government will be well advised to take early steps to remove this obnoxious

and iniquitous salt tax from the Finance Bill, before it is again brought before, I hope, the next and more representative Assembly. I strongly feel about this tax, Sir, and therefore I oppose the motion before the House.

Pandit Nilakantha Das: I shall take very little time, Sir

Mr. President: It is very unusual. If no Member moves a closure I am helpless. Pandit Nilakantha Das.

Pandit Nilakantha Das: I shall speak only two or three minutes. When I am on my legs, my heart trembles over the consideration as to whether I shall make a long speech or a short speech, for when a man is on his legs, he has to take to his own manners and ways of putting things. If he looks for pleasing others, he is a failure. He ought not to speak at all. And similarly those that have no command of patience to put up with things unpalatable need not be here. With this observation I must on this occasion express my feelings against any personal misapprehension that might have arisen about my speech yesterday. As to this salt tax, my Honourable friend over there, Mr Acharya is perhaps under the impression that we agree to a one-rupee salt tax. Far from it. We are making simply the best of a bad case. For, if this clause goes out of this part of the statute altogether it does not help us. With these words I take my seat

Mr. W. A. Cosgrave (Assam Nominated Official): I move that the question be now put

Mr. President: The question is that the question be now put.

(On Mr. Ram Narayan Singh challenging it, the division bell was rung.)

(After the division bell had rung.)

Mr. President: The question is that the question be now put. As many as are of that opinion will say "Aye". (*Cries of "Aye".*) Those of the contrary opinion will say "No". (*Mr. Ram Narayan Singh: "No."*) I think the "Ayes" have it. (*Mr. Ram Narayan Singh did not challenge it.*) The "Ayes" have it.

The Honourable Member (Mr. Ram Narayan Singh) is guilty of wasting two minutes of public time

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): No, Sir

Mr. President: The Honourable Member knows that he is wrong. If he was really serious in asking for a division he should have said, "Noes have it"

The question is that clause 2, as amended, stand part of the Bill.

The motion was adopted

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill

Mr. President: The question is that clause 5 stand part of the Bill.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): I move:

"To sub-clause (3) of clause 5 of the Bill the following proviso be added:

'Provided that in the case of the Hindu undivided family each member of such family shall be assessed separately and his total income shall be deemed to be an income to which such member would have been entitled if such member were not joint.'

Now, as the clauses of this Bill stand, so far as individuals are concerned, the law does not make any difference between a Hindu, Moslem, Christian, or other persons belonging to the other faiths. But when it comes to a collection of individuals, though the law does not make any difference in the case of persons belonging to faiths other than Hinduism, yet in the case of Hindus, there is a differentiation, and it is to wipe away that distinction that I am moving this amendment. If two members of a Hindu undivided family were to be taxed in their capacity of being members of a Hindu undivided family, the minimum . . .

(Maulvi Muhammad Yakub, the Deputy President, was seen crossing the floor of the House between the speaker and the Chair.)

Mr. President: The Honourable the Deputy President ought to know the rules of the House.

Pandit Thakur Das Bhargava: The minimum taxable income would be Rs 1,000 instead of Rs 2,000.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

If the family consisted of five members . . .

The Honourable Sir Brojendra Mitter: I rise to a point of order. I submit that this amendment is out of order. It is outside the scope of the Bill. As you will see from the Preamble, it is a Bill "to fix rates of income-tax." So, the scope of the Bill does not go beyond the rates of income-tax, whereas this amendment deals with the question as to who the assessee should be. This amendment is properly an amendment to the Indian Income-tax Act and not to the Finance Bill. It is outside the scope of the Bill and is out of order.

Pandit Thakur Das Bhargava: In reply to this objection I would invite your attention to a similar objection which was taken by Sir Basil Blackett last year in reference to an amendment moved by Sir Victor Sassoon. The question then was whether an amendment of a nature which would, to a certain extent, be an amendment to some provisions of the Indian Income-tax Act—in that case it was section 55—was in order. The amendment then sought to be made referred to the case of a company and the question was whether the word "company" could be added to the word "firm". And this very objection, which has now been taken was taken at that time and the President then made the following observation:

"The question raised by the Honourable the Leader of the House is a very important and a very difficult one too. According to the strict interpretation of the Preamble to the Bill, which we are now considering, perhaps I would be inclined to agree with him that the amendment is out of order but I am disposed to put a wider construction on the scope of the annual Finance Bill as distinguished from ordinary

Bills Further, if the Assembly has under the Finance Bill power to fix rates of income-tax, it has equally, I believe the power to say which incomes shall be exempted from that tax. I therefore rule that in this particular case the amendment is in order."

Now, Sir, we have got this precedent but even if there was no precedent like this, I maintain that the amendment which I move is strictly in order. This Bill, as the Honourable the Law Member has been pleased to point out, deals with fixing of rates. Now, I maintain that, whatever is included in Schedule II is the material on the basis of which the rates are fixed. Now, it is clear that the minimum taxable income at present is 2,000 and the rate is 5 pies in the rupee, and if that is amended by an amendment that the amount of minimum taxable income be reduced or increased then the amount of Rs. 2,000 will be affected. Last year also an amendment was moved in this House by my friend Mr Mukhtar Singh to the effect that this item of 2,000 be converted into 3,000, then again 4,000 and 5,000 and the amendment was taken to be quite in order and the amendment was discussed. The conclusion is that the question as to what is the minimum taxable income is a question relating to the fixation of rates. Further I would take liberty to point out that when, in this Bill, we find clause 5 (3), and that clause has to be passed annually, it stands to reason that anything pertaining to that clause should be regarded as in order. Now, I maintain that if this clause is not passed, then some thing would be lacking by which the provisions of the Income-tax Act could be enforced. If the Government wants that this sub-clause shall be passed, there is no sense in saying that this clause cannot be amended. Therefore I would submit that this objection is untenable. Furthermore if this sub-clause (3) of clause 5 is sought to be passed, I am entitled to oppose the whole clause especially sub-clause (3). For all these reasons I would submit that the objection should be overruled.

Mr. M. S. Aney (Berar Representative) The question raised by the Honourable the Law Member appears a somewhat difficult one, no doubt, but the point is really a simple one—namely whether the Finance Bill is a complete Bill by itself or not, or is it to be taken as a supplementary Bill? If it is to be taken as a supplementary Bill to some other Act, then the question of consistency or inconsistency of any provision of this Bill with the other Acts can be taken into consideration; but if it is to be a complete Bill in itself, then no such objection can arise. The one criterion, in my opinion, for regarding it as a separate and complete Bill is this—that the very words which are to be used in this Act are defined, and as the definition of the words "total income" is given here, this House has the right, either to accept that definition, or to reject that definition, or to amend that definition. If this right of the House is recognised, there is no propriety in putting in in sub-clause (3) the definition of the words "total income". All that my friend is seeking to do is to modify the definition which is given there by introducing this provision. So, if the point of order raised by the Honourable Law Member is to be accepted, the right of this House to deal with the Finance Bill in its entirety is virtually curtailed; and if that is the result, then it is not consistent with the convention under which the Finance Bill is introduced. This House is given a complete right and is seized of every provision which is mentioned here. That provision may be accepted, rejected or modified. In fact the very amendment which my Honourable friend, Mr Duraiswamy Aiyangar, had moved virtually, did modify section 7 of the Salt Act itself. The decision on the point of order was that the right of this House to modify the particular

[Mr. M. S. Aney.]

provisions of the Bill before the House was tacitly recognised, and therefore it will be against the established usage, practice and precedent which have been laid down during the last three years in this House if this objection prevails. For these reasons I say that the point of order is not tenable.

The Honourable Sir Brojendra Mitter: My submission is this—that the whole point is, who the assessee is. The Income-tax Act says that, in the case of a Hindu joint family, the collection of individuals who constitute that family should collectively be assessed. That is the provision of the Income-tax Act and the total income is the total income of that joint family, but the amendment which is proposed is that the assessee should be an individual, as if he were a separated member of the family. That is the purport of the amendment. Therefore it goes to the root of the principle as to who is to be the assessee in the case of a Hindu joint family under the Income Tax Act. The scope of the Bill is to fix the rates of income-tax, it has got nothing to do with the principle upon which the assessee is to be determined. Therefore my submission is that this is outside the scope of the Bill and should be ruled out of order.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhammadan Rural): I take it that the Honourable the Law Member's position is that, in so far as the principles of the levy of income-tax are concerned, they are contained in the general permanent Income-tax Act and that the annual Finance Bill only deals with the rates of income tax. Sir, if that is so, it could not have been possible for the Finance Member, in previous years, to introduce clauses in the Finance Bill which comprise others than those previously contained in the Income-tax Act. We recollect, Sir, that in regard to the levy of super-tax

The Honourable Sir Brojendra Mitter: If I may interrupt my Honourable friend, I was not talking of the annual Finance Bill. I was talking of the particular Bill which is before this House now. I say the scope of this particular Bill is to fix the rate and not to deal with assessees.

Mr. A. Rangaswami Iyengar: The scope of the particular clause of the Bill is that it forms part of the annual provision of finance for the carrying on of the Government, for which my friend the Honourable the Finance Member pleaded. Sir, in so far as those provisions are necessary, this House has a perfect right to say "You shall have only this amount of money and not the other amount of money. You shall have not the money of an entire joint undivided family but only of one member thereof." Certainly that is a point of finance pure and simple and not a question of law. As Mr. Aney very clearly pointed out, unless this House is given the privilege of being able to deal with the actual financial proposals of the Bill, in the manner in which it considers proper, I say that Government can as well adopt the certificate procedure and bring in the Bill with the recommendation of the Governor General in Council and say, "This is the form in which we want the House to enact the financial provisions of the country." That clause is provided for in the unfortunate circumstances of this country, and it is perfectly open to the Law Member to advise the Governor General. But they have not done so. They have brought certain financial proposals in the Bill and, as the Honourable Finance Member pointed out on the other amendments, in the absence of any alternative suggestions from the other side of the House in regard to the reduction of the salt tax, he found

himself unable to accept it, I take it that he found it proper for us to suggest alternative methods in dealing with the finances of the country.

The Honourable Sir George Schuster: I did not say, in the absence of suggestions from the other side I do not expect to get suggestions from the other side. I said in the absence of any idea on my own side of any alternative tax, I saw no other way of getting the money except by the imposition of the salt tax, as hitherto imposed.

Mr. A. Rangaswami Iyengar: I accept the correction, but the point is still the same, that if the Finance Member saw any other alternative to the proposal, if he did not see any other alternative for dealing with the finances of this country, he would have been quite happy to adopt that and give us the amendment we wanted, namely a reduction of the salt duty, therefore, in so far as we have the power to refashion the budget, to refashion the financial provisions—if we have this power, I say that the argument of the Law Member is untenable.

The Honourable Sir George Schuster: I beg to submit that the argument by Mr. Rangaswami Iyengar has really no substance. He cannot use what I said in connection with the salt tax as supporting his point of view.

There is one point which I would like to put to you, Sir. I don't think it is our desire, on this side of the House, to take advantage of a purely technical objection, (Hear, hear), to prevent Honourable Members on the opposite side from raising a discussion which ought to be raised; but in connection with an amendment of this kind I really think that it is not in the public interest that the discussion of intricate principles of taxation should take place in connection with the Finance Bill. These questions require very careful departmental examination, and in connection with the Finance Bill it is quite impossible to introduce the sort of procedure which is possible in connection with an ordinary Bill to alter the system of taxation, such as, to have a Select Committee to consider proposals, or to circulate proposals for the purpose of getting public opinion. I do submit that, in cases of this kind, it is very desirable that that sort of procedure should be available, before this House is asked to make a decision on an intricate question of this kind. I therefore think that we, on this side, are raising this point, not merely as a point of order, but as a point of substance, a point which we consider in the public interest.

Mr. Deputy President: A similar amendment was moved last year by the Honourable Sir Victor Sassoon when the Finance Bill was under discussion, and a similar point of order was raised on that amendment by the then Finance Member of the Government of India. On that occasion the Honourable the President said:

"According to the strict interpretation of the Preamble to the Bill which we are now considering, perhaps I would be inclined to agree with him that the amendment is out of order, but I am disposed to put a wider construction on the scope of the annual Finance Bill as distinguished from ordinary Bills. Further, if the Assembly has under the Finance Bill power to fix rates of income-tax, it has equally I believe the power to say which incomes shall be exempted from that tax. I therefore rule that in this particular case the amendment is in order."

In the same way I think the amendment which was proposed by Mr. Bhargava will affect the rate of the tax also, and therefore I think that the amendment is in order.

Pandit Thakur Das Bhargava: Sir, I thank you for the ruling which you have been pleased to give. In fact if this ruling was not given, you would have deprived a very large part of the population of this country from ventilating and setting correct a grievance which is a very real grievance.

I, some time back, sent in a Bill to amend the Income-tax Act on these very lines on which I am proposing this amendment, but the Governor General in Council was not pleased to accord his sanction to that Bill.

Now I do not think it lies in the mouth of the Honourable the Finance Member that there should have been a Select Committee on this Bill, or the Bill should have been considered as apart from the amendment. I tried to do it, but Government would not listen to it, and it is in the appropriateness of things that this amendment should have been allowed to have been moved.

Now, Sir, I was submitting before you that whereas in the case of individuals, the taxation law does not make any difference between members of different sects, when it comes to a collection of individuals, the members of other faiths are dealt with more favourably than members of the Hindu religion. In fact this amendment is not at all a communal one. I only want that the same treatment should be accorded to Hindus as is accorded to Mussalmans, Christians, Parsis and others. I do not want any special privilege, any special concession, but if my claim is correct I would only beg of the whole House, Hindus, Mussalmans, Europeans and all, to consider whether the claim is well-founded in justice or not. If it is so founded, I would respectfully ask them to record their vote in favour of poor families of Hindus. I say that it is invidious that the law makes a distinction between the poor and the rich Hindus in a matter of this sort. Now a perusal of section 14 of the Income-tax Act would show that, if a Hindu who is a member of a Hindu joint family also enjoys a separate income, in that case for the purpose of rate, the income of the joint family is not added to the separate income, and the rate at which the assessee is assessed, is therefore less than the rate at which a man of a faith different from the Hindu is assessed.

To illustrate my point, I would ask you kindly to consider the case in which a Hindu family enjoys an income of Rs 2,100, whereas one of the members of that family enjoys a separate income of, say Rs 4,900. The Income-tax Officer would assess one member at the rate of five pies in the rupee because in assessing the family, he will take Rs 2,100 as the income of the family. The other member will be assessed only at Rs. 4,900. The income which accrues to him in his capacity as a member of the joint undivided family, will not be taken into account, and whereas a Muhammadan or Christian would have been taxed at six pies in the rupee if he were similarly circumstanced, a rich Hindu would be taxed at the rate of five pies in the rupee. This is the compensatory advantage which section 14 of the Income-tax Act gives him. I am surrendering that advantage. I do not want that advantage, I do not want that rich Hindus should be protected at the expense of the Exchequer or at the expense of the poorer Hindu families. Now, Sir, if you consider the case of a Hindu undivided family with ten members, and this is not an uncommon illustration, then you will find that persons earning Rs. 15 a month, or eight annas a day, will be subject to income-tax, whereas any Muhammadan or a Christian earning less than Rs. 150 a month will not be liable to income-tax, that is the anomaly which I wish to remove. If

the concession given in section 14 is logically pursued, then we come to the conclusion that the poorer families among Hindus are penalised at the expense of the richer families among Hindus, and the greater the number of the members of the Hindu family, the heavier the incidence of taxation—which is absolutely unjust. Moreover, Sir, so far as this compensation theory is concerned, I would like to know from the Government how a Hindu wage-earner getting Rs. 60 a month in the Punjab, with two or three sons getting about Rs. 40 a month, will feel the solace accruing from the provisions of section 14, if a rich man getting Rs. 400 a month in Madras gets the benefit of section 14. The whole Hindu community has not been regarded as a unit and I do not know how a Brahman family, living in Northern India, can be compensated by some sort of concession which may be enjoyed by another Hindu family living in Southern India. When you see the actual practice, then as I proceed further, I will submit before you that this theory of compensation is absolutely illusory and has no foundation in fact, but taking things as they are, it is tantamount to the practice of robbing Peter to pay Paul. You rob the poorer families of Hindus, and then distribute some of the benefits among the richer people. This is tantamount to that. It should be no longer said that, in India, the minimum taxable income is Rs. 2,000. But virtually the minimum taxable income is so graduated that the poorer the family becomes, the greater becomes the incidence of taxation. I will therefore submit that the justice of the case is too apparent, and need not be pressed too much. Now, Sir, there is a distinction between the ordinary tax and the super-tax, and we know that, whereas in the case of an individual, the amount in excess of Rs. 50,000 becomes liable to super-tax in the case of an undivided Hindu family, the amount is Rs. 75,000. Now, Sir, it looks as if the Hindu undivided family has been treated with some favour. But it is absolutely clear that there can be no family unless there are at least two members, and if there is only one member, he will be regarded as an individual. If there is more than one member, then it is regarded as a family. Taken thus, even if the number of members is the lowest, that is two, the income of Rs. 75,000 divided by two, comes to Rs. 37,500, so that it is clear that, in the case of Hindus, the mere fact that a person is Hindu, makes him liable to a super-tax when he has got any income above Rs. 37,500 if the family consists of only two members. But if the family be taken to consist of more than two, which is usually the case, say five or ten, then the House will realise that the taxable income which will be liable to super-tax, will not be even such as would be liable to an enhanced income-tax at the rate of six or seven paise; so that, in case of Hindu, the super-tax, is just like an income-tax to other people.

Now, Sir, it will be said, in reply, that a Hindu undivided family is a corporation and stands on an entirely different footing from an individual or from a joint family of members of other faiths. May I humbly inquire as to what is the difference between a joint family of Mussalmans or a Hindu undivided family, or a joint family of Christians? The only difference that I know of is that, in the case of the Hindu undivided family, the rule of survivorship obtains, and there is no other difference. It is not true to say that the Hindu joint family is a profit-making concern. It would be futile to maintain that every Hindu family is a trading family. Among the Hindus, if you look at the population figures, you will find that Brahmins form the largest community, and second to Brahmins the

[Pandit Thakur Das Bhargava.]

Chamars are the next community. Now, may I humbly inquire if Brahmins and Chamars have trading concerns or if their families can be called trading families? The Jats and the Rajputs, as is well known, do not take to trade. If the Mahajans and the Agarwals, take to trade, will I be wrong in submitting that among Christians, Muhammadans and Parsis, there are trading families? The Cutchi Memons, the Khojas and the Parsi community, speaking generally, are trading communities. Therefore, the only principle that distinguishes between a joint family of Muhammadans and Christians, on the one side, and a Hindu undivided family on the other is the rule of survivorship. But now what has survivorship to do with taxation? What is the earthly connection between survivorship, a rule of inheritance, and taxation? It has as much to do as the Muhammadan rule of inheritance has to do with taxation. Now, Sir, from what I have submitted before, it follows that the income of a Hindu undivided family is as much the result of an individual effort subsequently collected together as it is in the case of those who are not Hindus. It is not the result of joint labours in either case. There is absolutely no connection and no similarity between the case of a Hindu undivided family and a trading firm or a corporation, or a registered or an unregistered company. If that is so, the question arises what is the basis which justifies the treatment of a Hindu undivided family as a basis or as a unit for taxation.

Now, Sir, I regard the Hindu joint family as a unit of social existence and not a unit of economic existence; and therefore, on this ground alone, this taxation in this form is unjustifiable. But if the House considers what actually happens in practice, then the House will see all the more reason why my amendment should be accepted. According to the provisions of the Hindu Law, there is an initial presumption that every Hindu family is a joint family. But, Sir, a Hindu family of that nature which we find in the books on Hindu Law is not to be found in actual practice. When I speak of the Punjab, Sindh and some other parts of India, I speak with intimate knowledge, and I can affirm that, according to the conception of the Hindu Law of Mitakshara, there is no family in the Punjab which can answer that description, and in this statement, I am fortified by certain rulings of the Lahore High Court. I shall only refer to one or two rulings, just to fortify my view. In 1899, in the case 102, P. R., 1889, it was held that this kind of joint family does not exist in the Punjab. It was further confirmed in a ruling reported in 34, Punjab, 1919. Similar are the conditions in Sindh. Now, what happens in a joint family? In a joint family, death has no significance, but a partition, has significance. In the Punjab, whenever a person dies all at once, the mutation is attested and mutation fee is recovered. So, that is the occasion when real inheritance comes in. Then again, the theory of representation makes it absolutely clear that, as soon as a person dies, his heirs succeed him. I do not know about the conditions obtaining in other parts of India; but so far as those parts of India are concerned which are governed by the *Dayabagha*, the theory of the undivided Hindu family does not apply. According to the conception of the *Dayabhaga* school of law, every person's share in a joint family is definite and ascertained, and, before a family property is partitioned, it cannot be predicted what share a person is entitled to. Therefore, looking to the actual state of the family, I think I am quite correct in saying that that kind of family technically known in the books, does not exist. Sir, this difficulty is more imaginary

than real. When it suits the Government, they will treat the undivided Hindu family as a separate family. I will just read out a passage from the Taxation Inquiry Committee's Report, which shows that for the purpose of taxation, the Government themselves treated a Hindu undivided family as a separate family. At page 275, in paragraph 374 of their Report, they say:

"It is sometimes urged that inheritance taxation ought not to apply to the property of a Mitakshara joint family on the ground that, on the death of a coparcener belonging to such a family, there is no mutation or acquisition, which gives occasion for the levy of a duty. But it cannot be denied that a member of a Mitakshara joint family possesses a beneficial interest in the properties of the family during his life-time, which he can sell or mortgage, and in some provinces even dispose of by gift, and of which he can get a partition during his life-time by suit, or effect severance by a mere unequivocal declaration communicated to the other members of intention to hold separately. This interest clearly passes, on the death of the member, and is therefore a proper subject for a tax in the nature of a mutation duty. In the similar case in England, where property or an interest in property passes by survivorship, it is valued for purposes both of estate duty and succession duty. Again, in the Bill to amend the Court Fees Act now before the Central Legislature, it is expressly provided that, if any member of a joint Hindu family governed by the Mitakshara law applies for probate or letters of administration in respect of the estate of a deceased member of the joint family, such estate shall not be deemed to be property held in trust, and the applicant shall pay a fee on the value of the share in the joint family property which the deceased would have received if a partition of the property had been made immediately before his death. In the opinion of the Committee, this provision is based on the correct principle that there is no objection to subjecting to duty property or an interest in property passing by survivorship on the death of a coparcener in just the same way as property or an interest in property passing by inheritance is so subjected."

Thus, Sir, it is absolutely clear that the Government, when they brought in this Bill, accepted, for the purposes of taxation, that a member of a Hindu undivided family can be regarded for the purposes of taxation as separate, that is, without a partition having taken place. And you may remember, Sir, the latest pronouncement of the Privy Council is that a member of a Hindu undivided family has the key of the separation in his own hands, and he has only to manifest his intention unequivocally, and the separation is thereby effected *ipso facto*. You will realise, Sir, that any member of a Hindu undivided family can any day snap his fingers at an Income-tax Officer. He can maintain and he can give notice to the other members, and he can certainly prove that he has unequivocally expressed his intention to become separate. This is so far as the law is concerned; but in practice, Sir, whenever a Hindu appears before an Income-tax Officer, the threat generally comes to the effect that everything that he has got should be subjected to income-tax. According to the other provisions of Hindu law, if there is a nucleus of joint ancestral property, if a member says he has got separate property, he has got to prove that that property is separate, and the burden of proving it falls on him. So, really the Income-tax Officer has got a member of the Hindu joint family in the hollow of his hand. We all know how difficult it is for anybody to discharge that burden of proof. It is clear that, legally speaking, there is no bar to recognising an undivided member of a Hindu joint family as separate from the family for purposes of taxation.

Now, Sir, if you just inquire into the question as to how this income-tax affects the Hindu families, you will agree with me in concluding that there is no factor which has been so potent in disintegrating the joint family system as this Income-tax Act. I am not one of those who are enamoured of Hindu joint families, and the sooner it is disintegrated

[Pandit Thakur Das Bhargava.]

the better for all of us from a certain standpoint. (*An Honourable Member*: "Question") But there are a good many people—and I am glad that one of my Honourable friends here has questioned it—who regard this institution of a Hindu joint family as a sacred institution. I shall, in this connection, refer to the speech of my Honourable friend, Munshi Iswar Saran, which appears at page 840 of the proceedings of this House, of the year 1928, where he has graphically paid whole-hearted allegiance to the Hindu joint family system, when he says:

"What is the good of saying that the joint family must go? The joint family has its defects, but the joint family has also those attributes which are peculiarly its own. May I put forward this view because a great deal has been said about it and more particularly because a certain class of Anglo-Indian writers delight in condemning our systems without understanding them. What is the joint family? It is based, Sir, on sacrifice, the noblest quality that any individual or nation can think of. There are two brothers, one is poor and the other is rich. The rich brother voluntarily says, 'We shall share our earnings, we shall put our earnings together and as far as monetary matters are concerned there will be no distinction between you and me'."

There are other people, Sir, who agree in the view that I take, but whereas I wish that the Hindu joint family may disintegrate as soon as possible by the slow process of evolution, I for one am very much against the idea that a fiscal measure should disturb the Hindu joint family system in the way in which it does. Now, Sir, to this aspect of the question the Honourable the Deputy Leader of my Party, Mr Jayakar, drew the attention of the House on another occasion, and the words are so graphic and so illustrative of the principle, that I wish to bring out before the House, that I will, with your permission, read a portion of them. The Bill referred to in the speech was the Hindu Family Transactions Bill, and the effect of that Bill was similar to the effect of this Income-tax Act on the Hindu joint family. He then said:

"This Bill, and I will state frankly my main objection, will interfere very seriously with that silent and imperceptible process of social evolution causing a gradual disintegration of joint families which is going on in Hindu society. I want nothing to be done which will arrest that process because that process in my opinion means progress towards individualism. In my opinion, although it may seem to some a heresy, self-government in our social life should come through individualism and for this purpose the process of disintegration of Hindu joint family life; with all its defects of dependence and self-suppression, must begin and go on as fast as possible."

Further on he has illustrated his point by referring to the example of a joint Hindu family, in which one brother was a rich man, a barrister in Bombay, and the other was a poor man. Without reading further from the speech, as I know Honourable Members must have read the speech themselves . . .

An Honourable Member: What are you reading from?

Pandit Thakur Das Bhargava: I am reading from the Legislative Assembly Debates of 1928. It is the speech of the Honourable Mr. Jayakar, who should be regarded as an authority in these matters. Then further on the Honourable Mr. Jayakar proceeded to say that the man in Bombay who earns Rs 20,000 a month:

"cannot resort to the slow and peaceful process of partition, but must violently, and at once, disrupt the family, send for his lawyer and say: 'hereby declare that I am from this day separate from my family', creating thereby bitterness, hostility and

grief in his family. Now I would like to ask my English friends on the official and non-official benches: 'Do you wish to come in the way of this social evolution which is going on in the Hindu family? And, if so, in the name of what?'

(At this stage Mr. President resumed the Chair.)

Now, Sir, I beg to ask the very same question, whether it is wise to interfere with that slow process of evolution in the Hindu joint family by a fiscal measure of the nature of this Income-tax Act. In fact, these provisions of the Income-tax Act have no foundation in reason or justice. They are in the nature of a social monster and they really do more mischief in some cases than we can think of. It happens that a family, which has got no disputes, has to resort to litigation as soon as an Income-tax Officer causes a member of that family to declare whether a particular property is his self-acquired property or otherwise and all those small things of which nobody would take any notice in a joint Hindu family then converge at one point and become a prolific source of litigation. This is one of the evil effects of these provisions of the Income-tax Act relating to the undivided Hindu family.

Now, Sir, I have submitted before you the various stand-points and the many objections which could be urged against this amendment. Last time, when a similar motion was moved in this House, the objection taken by the then Finance Member was that the provision had been on the Statute-book since 1922, and that, if the minimum taxable income were to be increased to Rs. 3,000 from Rs. 2,000, it might involve the loss of a small sum like 20 or 25 lakhs. In fact, the then Finance Member tried to make out that there would be no deficiency in revenue, and that the Hindus were in a better position than other people. If that is so, if it is not likely to result in loss of revenue, my humble submission is that no such difficulty of loss to revenue arises. But should it result in loss of revenue, that loss of revenue is the exact amount by which you set a premium on separation, the exact amount by which the poorer Hindu families are losers. I therefore humbly submit to the House and to the various Parties and Members of this House kindly to consider this question in a spirit of justice. As I have already said, it is not a communal question at all. It is a question of taxing those whom it is the policy of law not to tax. If the minimum taxable income is fixed at Rs. 2,000, let it be so in the case of the members of Hindu joint families also. I would therefore submit with all the emphasis at my command to all Members of this House, to consider this question justly and fairly. Sir, I move.

Mr. M. R. Jayakar (Bombay City Non-Muhammadian Urban). Sir, it is very unfortunate that this important amendment comes before this House at an hour when the general desire is to go home and have tea, and also when the Government Benches are mostly depleted. Notwithstanding that, Sir, I have risen because I think it is a very important amendment—especially from the point of view of the Hindu community. The point of this amendment, notwithstanding the very interesting complexities which have been introduced by the Mover of the amendment into his speech, is a very simple one, and I have no doubt that the Honourable the Finance Member, with the clearness and sympathy with which he views these problems, will not have much difficulty in understanding the equity which lies behind this amendment. I am aware, Sir, that the rule has stood from the year 1922, that Hindu joint families, for the purpose of the income-tax, are to be regarded as one unit; but I do submit,

[Mr. M. R. Jayakar.]

Sir, for the consideration of this House, that that is a great injustice perpetrated on the Hindu community and which—as I shall explain in a very short speech; for I do not propose to detain the House for very long—does require reconsideration. Now that the Deputy President has allowed this point to be raised by way of an amendment of the Finance Act I do submit that my Honourable friends will give adequate consideration to this question. The point, Sir, is a very simple one and I shall illustrate it by taking a concrete case. Supposing a Hindu joint family consists of five brothers, each of whom earns about Rs 600 a year. One is living in Bombay another in Alibag, a third in the Punjab; the fourth in Mysore and the fifth is in Calcutta. I can imagine many Hindu joint families in which such a state of things exists. If each of them were to be taxed separately, as a Muhammadan, a Parsi or a Christian would be taxed under the Income-tax Act, in respect of his own personal income, apart from what his brother or cousin earns elsewhere, then each of these five brothers would not be liable to be assessed to income-tax at all, because as my Honourable friends are aware, Rs. 600 is within the limit exempted under the Income-tax Act. But what the present anomaly in the Income-tax Act does is that it lumps the Rs. 600 of each of these five brothers—an absolutely arbitrary arrangement—and assesses income-tax on the Rs 3,000, although individually the earners of this Rs 600 a year are not liable to pay income-tax. That is the anomaly, Sir. And the further anomaly is this: that if a similar state of things were to exist among other communities as it often does exist, especially amongst Parsis and Muhammadans, who very often adopt Hindu ways of social living, they are not liable to be taxed according to this anomalous rule. They are only taxed in respect of the Rs. 600 which they earn individually, and thus they escape the income-tax. But the Hindu, if I may say so without undue emphasis, has to pay the income-tax because of his social gregariousness. Sir, the joint Hindu family is nothing more than a social habit of living, there is no sacrosanct character about it, as the Honourable the Mover of this amendment has said, it is merely a method of social aggregation and nothing more. It is in consequence of this social habit that the Hindu joint family is taxed on income which individually would not be taxable. That is the anomaly and inequity of this rule. It may be argued that there is no inequality or anomaly at all because, in the case of firms a similar rule applies. Take for instance a case where each individual member of a firm earns Rs. 600 and the firm is taxed in its corporate capacity. Such a case would necessarily be adduced as an instance in justification of this anomaly. The answer to that would be that a joint Hindu family is absolutely different from a firm, because the firm, by mutual exertion, increases its aggregate income: two members of a firm working together increase their joint income; a joint family is not an income-increasing combination. If two people work together as partners in a trading firm, they mutually contribute to increase each other's earnings. It is a process of joint exertion by reason of which the combined income goes up. Not so with the Hindu joint family. I can imagine hundreds of cases where, for instance, to take a specific case to illustrate my meaning, a man is a barrister in Bombay; his brother is an astrologer in the Konkan and a third is a doctor in Mysore. They never meet perhaps more than once a year; they do not contribute to increase each other's income; in fact their professions are different, but they have some nexus in the shape of a joint ancestral-house in the Konkan, which is the only tie by reason of which

they can be regarded as a joint Hindu family. They do not affect each other's income by mutual exertion. What justification is there that, in such a case, the law should take hold of this little *vinculum juris*, if I may use that expression, and make the individuals liable to pay a tax from which they are individually exempted. Sir, even the law does not regard the Hindu joint family as a unit uniformly and with consistency. There are several departments of law in which it regards the Hindu joint family as consisting of separate individuals and not as one unit. I shall illustrate my point and the Honourable the Law Member will, I am sure, agree that I am right in my view. Supposing a member of a Hindu joint family dies, leaving Rs. 50,000 deposited in a Bank or by way of shares in a limited liable company. They are joint family property and therefore, on the true conception of the Hindu joint family law, they belong to all the coparceners jointly. So the property of one brother is equally the property of another brother; yet curiously enough the law now requires that, if those Rs. 50,000 stand in the Bank in the name of a particular brother, say "A" the other brother "B" has to take out probate or letters of administration, as the case may be, and pay duty to the State on the Rs. 50,000, before they can be transferred to him or become his property. Such is the present-day law. No bank will allow that money to be paid into the hands of brother "B," unless he gets letters of administration, or succession certificate, or probate as the case may be. Now this is an instance curiously enough where the law departs from this theory that a Hindu joint family is one unit. If it were one unit, then the Rs. 50,000 belong as much to brother "B" as to brother "A"; and therefore no legal representation is necessary, and yet in such cases, the law requires duty to be paid on the Rs. 50,000, as if it was the self-acquired or separate property of the dying brother. Therefore the point I am putting before the House is this: that this is a most anomalous position and has to be cured. There is no reason why this anomaly should exist now when Hindu joint families are—and I am sure the Honourable the Law Member will agree—fast disintegrating. Perhaps in one instance out of a hundred we may find a joint Hindu family existing in the old sense of the Rishis and text-writers, where the brothers work together as one social unit on a joint concern and contribute to increase the family income. That kind of joint family—if I may say so without exaggeration—does not possibly exist, except perhaps in very rare cases. The present day joint family, to all intents and purposes, is merely a nominal tie, for all economic and financial purposes it is a group of individual units, who are responsible only for their own exertion and who make no contribution mutually to supplement each other's income. Therefore, dealing with that state of social life, as the Hindus are living at the present moment, I do submit that the case is very strong for accepting this amendment. I am entirely with the Finance Member in so far as he expressed his sense of expediency that an amendment on these lines of the provisions of the Income-tax Act, will be a more direct way of securing this object. But that is a point of order which the Deputy President, Sir, during your absence has overruled and has allowed us to raise this question on the Finance Bill. Therefore, Sir, we are now permitted to go into that question. Besides, I understand, a Bill amending the Income-tax Act in this particular which the Mover of this amendment had tabled has been disallowed by the Governor General. So the case is very strong, than the standpoint of Hindus; and I have no doubt that my Honourable friends on the European and Muhammadan Benches will take a sympathetic view of this question. What we want is that, having regard

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to the present day life and social habits of the Hindu people, this anomaly should not continue. It does not exist in all departments of the Indian law, as I have pointed out, by citing one instance. I can point out three or four other instances, but I do not wish to take up the time of this House. The theory is not uniformly and consistently accepted by the State, that the Hindu joint family is one indivisible social unit. Times were different when the joint Hindu family was regarded as a corporation sole, that was years ago. A good deal of social disintegration has taken place in Hindu social life since those days, and he must be a very bold man indeed who will say now that a large number of Hindu joint families are living that kind of inseparable, indivisible, united and joint life which was at one time led by Hindus in general.

The last point, therefore, Sir, which I wish to urge before this Honourable House is this. I myself hold the view very strongly, Sir,—there may be some Honourable Members who may not agree with me—but I as a Hindu, with a certain outlook on Hindu social life and its reform in the future, hold the view very strongly that the law should do nothing to impede the process of social disintegration towards individualism. As a Hindu, I do recognise that there are, in our social life a great many limitations which do not produce the right type of assertive individualism on which we are building our superstructure, and I do submit to my Honourable friends who are not Hindus that this is not a parochial question, nor a party question, not even a communal question, but it is a question concerned with the well-being of the Hindu community. Therefore, I do submit that Government should not make this a party question in the narrow sense of the term. Sir, I am pleading from the point of view of the large Hindu community, as an humble member of that community, who does wish that the natural process of social disintegration, which is slowly, silently, imperceptibly, and harmoniously going on inside the Hindu families, should not be hampered by legislation.

The Honourable Sir Brojendra Mitter: Sir, I have listened carefully to my Honourable friend Mr Jayakar's speech. I am sorry I was not here just at the start, but I do not think I have missed the point which he has made. The point which I understood him to make is this. He said here is an opportunity to effect a social reform by accelerating or helping the disintegration . . .

Mr. M. R. Jayakar: May I correct my Honourable friend, Sir? I put it on the ground of inequality and hardship.

The Honourable Sir Brojendra Mitter: Sir, as is well known to Honourable Members of this House, in Bengal the individual is the unit of Hindu society, whereas in the rest of India the joint family is the unit for the purpose of worship, for the purpose of inheritance and for various other purposes. In Bengal the individual is the unit; in the rest of India the family is the unit. The proposed amendment seeks to make the individual the unit all over India for the purpose of income-tax. That is the purpose of the amendment. Sir, it is a very large change, which is sought to be introduced into Hindu society. (*Some Honourable Member from the Swarajist Benches:* "No, no".)

Mr. M. R. Jayakar: For the purpose of taxation only.

The Honourable Sir Brojendra Mitter: I know it is for the purpose of taxation only, but it is a very large change, and when we are seeking to effect this large change, I ask, has the Hindu community been consulted? I know that there are several Honourable Members in this House who are anxious to effect reforms in Hindu society, and I fully sympathise with them in their efforts. But what I submit is, this is not the proper procedure, this is not the proper way in which reforms ought to be effected. By an amendment of the Finance Act you are seeking to introduce revolutionary change in Hindu society by converting . . .

Mr. Mukhtar Singh (Meerut Division · Non-Muhammadan Rural) · Government has done it

The Honourable Sir Brojendra Mitter: There are so many interruptions, and I do not know, whom to answer. You are seeking to effect a revolutionary change in Hindu society by an amendment of the Finance Act. (*Several Honourable Members:* "No, no.") When the Finance Act was before the country, nobody thought that any social structure was going to be affected by it. All that the attention of the country was directed to was the rate at which income-tax was to be levied, was it going to be raised or lowered, or was it to remain the same as before? That is the point to which the attention of the country was directed. It was not directed to the totally different question with which, incidentally, I may say, I have every sympathy. If a proper measure were brought in by my friend, Mr Jayakar, probably I should vote with him . .

Mr. M. R. Jayakar: I do not think so

Mr. President: Perhaps the Honourable the Mover will withdraw his amendment if the Government promise to bring forward a measure of that kind?

The Honourable Sir Brojendra Mitter: I did not say that; I said that if Mr Jayakar were to bring in a Bill of that description, personally speaking, I would be in full sympathy with such a measure. All I am saying at the moment is that the House ought not to effect a revolutionary change in Hindu society by way of amending the Finance Act.

Mr. S. Srinivasa Iyengar (Madras City · Non-Muhammadan Urban): Mr. President, I wish to associate myself with what my friend, Mr. Jayakar has said on this question. I should however like to point out that the present practice causes a considerable amount of heart-burning, and unnecessary litigation amongst members of the Hindu joint family, and section 14 of the Income-tax Act causes an endless trouble, because it says that the tax shall not be payable by an assessee in respect of any sum which he receives as a member of an undivided family. The managing member may or may not pay, but all the same, I think when there is separate assessment also in respect of separate property, individual members do not escape income-tax as they ought to escape income-tax except when the tax is shown to be properly levied. What happens is this. If a man has got any income from the joint family income, if he belongs to a well-to-do family, he has got to pay tax twice over. That is what generally happens. It is impossible in the case of many of these families.

[Mr. S. Srinivasa Iyengar.]

to keep correct accounts, and the practice which my friend Mr. Thakur Das Bhargava wants to introduce, I think, will have a very wholesome effect of compelling members of Hindu joint families to keep proper and regular accounts, it will also compel various coparceners in the family to get their incomes due on their shares from the managing member. A great deal of misunderstanding is due to the present practice. I do not wish to go into the question whether by this the thin end of social reform is sought to be introduced. I think my Honourable friend the Law Member took a very extraordinary view of this question. I think he was not prepared to do really anything whatever. I do not agree with him that in Bengal there are no *Mitakshara* families. Even there there must be an appreciable number of families governed by the *Mitakshara* law, in which the family is a unit

The Honourable Sir Brojendra Mitter: My friend will pardon me. When I said Bengal, I was referring to the Bengal school of Hindu Law.

Mr. S. Srinivasa Iyengar: I stand corrected. I refer to the geographical Bengal. I submit, Sir, it is not proposed to effect any revolutionary change in Hindu society by this amendment. I must join issue on that question. How is the Income-tax Act going to effect a revolutionary change in Hindu society? If my Honourable friend concedes that the Income-tax Act has introduced, or will introduce, any revolutionary change in Hindu society, then the sooner that Act is abolished the better. This amendment does not seek to make any revolutionary change in Hindu society. There is no need to take too tragic a view of it, that if you accept this amendment, the whole Hindu society will be jeopardised. It only says what is the natural thing to do. The natural person must be the juristic person. There is no necessity to make this joint family a juristic person, a fictitious person, for the purposes of the Income-tax Act. I think amendments have been made even in the case of firms for the purpose of disintegrating the firms and making individual members of the firms liable in certain classes of cases. When that is the case, it seems to me to be a reactionary procedure to go and insist that families should be treated as legal persons assessable to income-tax, as individual assesseees, with all the difficulties that must exist, with all the stimulus to litigation, controversy, family disputes and necessity for partitions on account of these things. I have known of cases in which I have appeared in which a member of a joint family claimed that the joint family has been divided and he has paid income-tax in his own name for the purpose of showing that the family is divided. No doubt, the public may get some benefit in that case; but there is no reason why that procedure should be allowed to continue. The right and wholesome course is undoubtedly to tax the individuals, and not the family, which is not a corporation. Almost every member may have, in these days, if he makes any extra income, a separate property, and it is only right that the income which he gets from the joint family property should be tacked on to the income which he earns from his separate earnings, and both of them should be regarded as his own income and the exemptions to which he is entitled under the Indian Income-tax Act should be open to him. By this method of clubbing the incomes of individuals I think the hardships which my Honourable friend Mr. Jayakar pointed out undoubtedly exist.

For these reasons, while I should have preferred perhaps that the words should be "that such member would have received or would be entitled to receive", I think the amendment as it stands correctly brings out the intention of the Mover of the amendment. I am in hearty agreement with this amendment, and I hope that Members of this House, who feel that this amendment has got anything to do with Hindu society will give an ordinary Hindu person like myself the credit of imagining that my society is not going to be revolutionised. I still wear *khadi* and I still propose to remain a Hindu. I do not think that the society is at all revolutionised, and I certainly question the startling statement which my Honourable friend the Law Member chose to make on this occasion.

(At this stage Mr. M. K. Acharya stood up in his place.)

Mr. President: The Government are not in a hurry it seems.

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadian Rural). But for the provocative speech of my Honourable friend, Mr. Jayakar, which has brought me on to my feet, I should have been tempted to take just an ordinary man's common sense point of view, and I should have been tempted to support the amendment brought forward by my Honourable friend Mr. Bhargava. If, however, I am now put on my guard, if I am now rather tempted to look more closely into the effects of the amendment upon Hindu society as a whole, I think it was due, as I have said, to the remarks that fell from Mr. Jayakar's lips.

Mr. M. R. Jayakar: They are my personal views.

Mr. M. K. Acharya: He told us, and probably he is more right now than on many other occasions, that this amendment will have the effect of bringing about a complete disintegration of Hindu society. That was his personal desire, and he said that the object of this amendment would be that. Otherwise I do not believe that any of us thought about it so very seriously. It may be, of course, that Mr. Jayakar is projecting his social reforming enthusiasm into the whole matter. Whatever it is, if that is likely to be the consequence of accepting this amendment, namely, hastening the disintegration that is coming upon Hindu society,—we may perhaps have two views upon that question. There may be some who will like, and greatly like it, and will do their best to promote it. There may be others who may hesitate, for I believe, in this world, there is no rose without a thorn. If the joint family system has certain disadvantages, it certainly had in the old days, and even now it has certain advantages also. Individualism has certain advantages, it has a great many disadvantages also. Therefore, I am sorry that this unnecessary side-question of the effect of the amendment on the merit or the demerit of the Hindu joint family system should have been raised in a subsidiary manner. In fact, Mr. Jayakar stated that this Legislature should help us as far as it can towards the disintegration, towards the destruction of old Hindu traditions and things of that kind. To that portion of his speech and to that aspect of anything that we might do in this House I should certainly take the strongest objection. I am not pleading for a moment that everything is right or so right in the Hindu society that we cannot have any reform. But certainly this House is not the place, this House is not the body that ought to interfere and hasten social reform either directly or

[Mr. M. K. Acharya.]

indirectly. I would like therefore to subscribe to what I may call the straight common sense view taken by my Honourable friend, Mr. Srinivasa Iyengar. There are inconveniences, and if members of joint families are being put to trouble by the working of the Income-tax Act, let us by all means remove them. But for God's sake don't put into our heads these confusing ideas whether or not the old Hindu family system should be disintegrated all at once before the end of 31st December, 1929.

Mr. M. R. Jayakar: Possibly my Honourable friend did not hear me all right at that distance. All that I said was that this House should do nothing by way of legislation which will interfere with the process of slow disintegration which is going on slowly outside.

Mr. M. K. Acharya: I took only these words I thought he used the words "the disintegration of Hindu society should be helped". However, I am glad, and perhaps on reflection he would like to use more cautious language.

Mr. President: Order, order You must accept the Honourable Member's statement.

Mr. M. K. Acharya: I accept it, Sir, but even to that cautious statement I would only say that it might as well have not been made here. I only take this point of view, that there are difficulties and inconveniences felt by members of the Hindu joint family; thus when all their individual incomes are added together for the purpose of income-tax they have to pay the tax, whereas otherwise they would not be liable to be taxed under the Income-tax Act at all. If that is all that this amendment seeks to remedy, I should like to support it; but if there are going to be consequences which will bring about, however, indirectly a speedy disintegration of the Hindu society,—if that is going to be an indirect result of this amendment, I certainly would loathe to vote for it. If I at all vote for the amendment, it shall not be to bring about a disintegration of the Hindu society but it shall be merely to remove certain difficulties and inconveniences felt in the working of the Income-tax Act.

Mr. F. W. Allison (Bombay Nominated Official): I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted

Mr. President: The question is . . .

(The Honourable Sir George Schuster stood up.)

Mr. President: The Honourable Member is not entitled to a reply on an amendment. I thought the Law Member had represented the Government.

The Honourable Sir George Schuster: I have not spoken yet on this motion and I think I am entitled to a reply.

Mr. President: I am very sorry. The Honourable Member is late.

Mr. President: The question is:

"That to sub-clause (3) of clause 5 of the Bill the following proviso be added:

'Provided that in the case of the Hindu undivided family each member of such family shall be assessed separately and his total income shall be deemed to be an income to which such member would have been entitled if such member were not joint.'

The Assembly divided.

AYES—44.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amai Nath.
Dutta, Mr. Sish Chandra.
Goswami, Mr. T. C.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kaitai Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahuri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jammadas M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Mr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rang Behari Lal, Lala.
Rao, Mr. G. Saivatham.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Saifuraz Hussain Khan, Khan Bahadur.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Singh, Raja Raghunandan Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.
Tirloki Nath, Lala.

NOES—51

Abdoola Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdullah Haji Kasim, Khan Bahadur Haji.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Keane, Mr. M.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra Nath.
Mitter, The Honourable Sir Brojendra.
Mohammad Ismail Khan, Haji Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rains, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdom Syed.
Rao, Mr. V. Pandurang.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. I.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: The question is that clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

Mr. President: The question is that clause 6 stand part of the Bill.

Colonel J. D. Crawford (Bengal. European) I wish to bring one small point before the House and I trust that the Honourable the Finance Member will give it his careful consideration. The increase of petrol tax from 4 annas to 6 annas is for the specific purpose of road development. It has been my intention to move an amendment to the effect that petrol used solely for aviation purposes should get a rebate of two annas but I recognised that the issue was not a live issue at the moment and that the Finance Member would need a certain amount of time to bring in the necessary administrative measures. I trust that he will give his sympathetic consideration to this point before introducing the Finance Bill next year.

The Honourable Sir George Schuster: Sir, I have already considered the question raised by my Honourable and gallant friend, and one suggestion has been, as he himself indicated, that petrol used for aviation purposes should be exempted from this additional tax. I have been into that question and I think the administrative difficulties of making such a special exemption would be almost insuperable. I fully recognise that a tax that is intended to be levied on the users of roads, for the improvement of roads, cannot fairly be levied on people who fly through the air. Therefore our intention is that, if we are to observe principles of equity in this matter, our action should take the form of ascertaining roughly what is the amount of the tax on petrol used for aviation and of using that for purposes of encouraging the development of aviation, on exactly the same principle as we are using the tax on petrol used by cars and lorries that use roads, for the special improvement of roads. I think that should meet the point made by my Honourable and gallant friend, and I give an undertaking that we will consider, in the course of this year, how to give effect to that principle.

Mr. President: The question is that clause 6 stand part of the Bill.

The motion was adopted.

Clause 6 was added to the Bill.

Mr. President: The Assembly, according to the original programme, was expected to meet on the 26th, but I have received a representation from a large number of Members of the Hindu community that the 26th is their holiday, and I have ascertained that that day is also a Gazetted holiday in the province in which we are holding the session. Under the circumstances I have decided to accept the request of the Honourable Members and not to sit on the 26th.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th March, 1929.

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 27th MARCH, 1929.

Vol. I—No. 36

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1929

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LEGISLATIVE ASSEMBLY.

Wednesday, 27th March, 1929.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President in the Chair

QUESTIONS AND ANSWERS.

TREATMENT AS PENSIONABLE OF CERTAIN SUBORDINATE APPOINTMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1218. ***Mr. M. S. Sesha Ayyangar:** (a) With reference to the report made by the Standing Finance Committee on the 31st January, 1928, and also with reference to the Government of India, Department of Labour and Industries, letter No 11-P T. E., dated the 13th July, 1928, will Government be pleased to state whether the appointments referred to in the references quoted above are treated as pensionable?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the previous services of the time-keepers before they have been transferred to the new clerical grade, Class III, are considered for granting pension?

(c) Will Government be pleased to state the reason for not transferring to the clerical grade, Class II, the subordinates referred to above, who were drawing Rs. 100 previously, and were getting more pay than the maximum of the new, Class III, grade, namely, Rs. 85 in mofussil places?

Mr. P. G. Rogers: (a) It is presumed that the Honourable Member refers to the appointments the pay of which was revised in Department of Industries and Labour letter No. 11-P. T. E., dated the 13th July, 1928. Some of the appointments are pensionable, while others are non-pensionable.

(b) The appointments of time-keepers are non-pensionable. The question of counting the previous services of time-keepers towards pension does not arise. The question of making these appointments pensionable is under investigation as part of the general question affecting all non-pensionable staff in the Posts and Telegraphs Department.

(c) Government do not consider that their duties justify their being placed in the time-scale of pay as class II clerks.

ALLOWANCES OF TELEGRAPH EMPLOYEES AT DELHI AND SIMLA.

1219. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether any members of the Simla-Delhi Telegraph Offices are in receipt of compensatory allowance? If so, will Government be pleased to state the scales, or the percentage on salaries, permissible to such members?

(b) Will Government be pleased to state the rates that are granted to the members of the other Government departments as compensation?

(c) If there is any distinction in the matter of granting compensatory allowance between members of one department and another department, do Government propose to remove such distinction?

The Honourable Sir Bhupendra Nath Mitra: (a) Presuming that the Honourable Member refers to the members of the staff moving between Simla and Delhi telegraph offices, compensatory allowances at the following rates are paid to some of them :

	Rs
Superintendent	100 per mensem for the period he remains at Simla.
Clerks and time-keepers on revised scales of pay	15 each a month both at Simla and Delhi.
Remington printing machine operators ..	20 each a month both at Simla and Delhi.

(b) Various allowances are payable to the members of the clerical staff of the Departments of the Government of India under the provisions of the Simla Allowances Code, a copy of which is in the Library of the House, or under special orders of a temporary nature. But they afford no real basis of comparison with the allowance paid to members of the Simla-Delhi Telegraph offices.

(c) The reply is in the negative.

ORDERS IN REGARD TO THE PRODUCTION OF MEDICAL CERTIFICATES BY THE STAFF OF THE CENTRAL TELEGRAPH OFFICE, NEW DELHI.

1220. ***Mr. M. S. Sessa Ayyanar:** (a) Will Government be pleased to state whether they are aware of the fact that the Superintendent of the Central Telegraph Office, New Delhi, has issued orders prohibiting members of the staff from producing medical certificates regarding their ill-health from registered medical practitioners?

(b) Will Government be pleased to state whether the above order is in accord with the rules laid down by the Government of India or the Director General, Posts and Telegraphs?

(c) Will Government be pleased to state the reason for the objection to producing medical certificates from registered medical practitioners, who have been duly authorised by Government?

Mr. P. G. Rogers: (a) The orders issued were to the effect that leave on medical certificate would be granted only on production of a certificate either from the Civil Surgeon or his assistant.

(b) The orders were not quite in accord with the rules, and the necessary instructions will be given in the matter. The Honourable Member will, however, observe from Supplementary Rule 228 that normally the certificate of the medical attendant of the applicant should be countersigned, either by a Presidency Surgeon, or by the medical officer in chief medical charge of the district. The authority competent to grant the leave can reject the certificate of the applicant's medical attendant if the applicant for leave cannot or will not, if required, get it countersigned.

(c) The order was issued after there had been cases of wilful absence from duty on pleas of ill-health which were not substantiated.

APPOINTMENT OF THIRD CLASS CLERKS IN THE CENTRAL TELEGRAPH OFFICE, MADRAS.

1221. ***Mr. M. S. Sessa Ayyangar:** (a) Will Government be pleased to state whether the present Superintendent of the Central Telegraph Office, Madras, has powers of appointing third class clerks in his office?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason for the appointment of these clerks by the Deputy Postmaster General, Madras, from June, 1928, in the Madras Office?

(c) Will Government be pleased to state whether the officers of the First Division, who are in charge of Presidency Offices, have been authorized by the Government to appoint clerks in their offices when there are vacancies?

(d) Will Government be pleased to state the minimum qualifications prescribed for appointment of clerks in the Telegraph Department?

(e) Will Government be pleased to state the reason for appointing unpassed men in the Madras Office when qualified men were available?

(f) Will Government be pleased to state whether they will consider the appointment of qualified men in Telegraph Offices as clerks without putting them through a competitive examination along with unpassed men?

Mr. P. G. Rogers: (a) Yes

(b) There being a large number of vacancies in the Circle as well as in the Madras Central Telegraph Office, it was arranged that one examination should be held for all the candidates, and the appointments were made by the Deputy Postmaster-General from the joint-list.

(c) Yes.

(d) Ordinarily the matriculation examination of a recognised university, or its equivalent.

(e) Because these men did exceptionally well in the departmental competitive examination and secured places above those with university qualifications.

(f) No

PAY OF TASK WORK MESSENGERS AND PERSONNEL AND ALLOWANCES OF LOCAL SERVICE TELEGRAPHISTS.

1222. ***Mr. M. S. Sessa Ayyangar:** (a) With reference to the reply to question No. 177 on the 4th February, 1929, put by Mr. N. M. Joshi, regarding the task work messengers, will Government be pleased to state when the decision is likely to be reached?

(b) With reference to the reply given to question No. 178 (b) asked by Mr N M. Joshi on 4th February, 1929, will Government be pleased to furnish (1) the number of Anglo-Indians, and (2) the number of Indians appointed to the Local Service after 1st March, 1913?

(c) Will Government be pleased to state whether Local Service telegraphists appointed after 1st March, 1913, are liable to transfer?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state the reason for not granting house-rent allowance to them, as is granted to General Service telegraphists and to Local Service telegraphists appointed before 1st March 1913, because of liability to transfer?

The Honourable Sir Bhupendra Nath Mitra: (a) The question is receiving special attention, and I hope that orders will be issued at an early date.

(b) Accurate information cannot be furnished, as the records have been destroyed in the usual course, but if the Honourable Member wishes to know the number of men still in the Local Service, the answer is, (i) Anglo-Indians, nil, (ii) Indians, 8.

(c) No, except within their respective Circles.

(d) The attention of the Honourable Member is invited to part (b) of the reply given in this House on the 4th February, 1929, to Mr. N. M. Joshi's unstarred question No. 178.

EXTENSION OF AGE LIMIT FOR APPOINTMENT OF TELEGRAPHISTS.

1223. ***Mr. M. S. Sesha Ayyangar:** (a) With reference to the reply given on the 4th February 1929 to Question No. 179 (c) put by Mr. N. M. Joshi, will Government be pleased to state whether they propose to consider and extend the age limit to 25 at least for the next recruitment?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to consider the grant of such a concession to the sons and relatives of men in the Telegraph Department at least for the next recruitment?

Mr. P. G. Rogers: (a) and (b). The answer to both parts of the Honourable Member's question is in the negative.

ENQUIRY REGARDING THE CONNECTION, IF ANY, OF MR. D. DIESH, ASSISTANT SURGEON OF THE COMBINED HOSPITAL, NEW DELHI, WITH A WINE BUSINESS.

1224. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether Mr. D. Diesh, assistant surgeon attached to the Combined Hospital, New Delhi, is in any way connected, either as proprietor, partner or owner, with the premises and business known as Messrs. J. Diesh and Co., wine merchants, etc., New Delhi?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to consider the desirability of taking any steps in the matter?

Mr. G. S. Bajpal: (a) No.

(b) Does not arise.

LEVY OF TOLLS BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY ON VEHICLES CROSSING THE NARBADA BRIDGE AT MOTAK.

1225. ***Mr. Jamnadas M. Mehta:** (a) Is it a fact that the Bombay, Baroda and Central India Railway has been levying tolls of various amounts on vehicles crossing the Narbada Bridge at Motak from the year 1885?

(b) Will Government be pleased to state the cost of building that bridge, and also the amount collected from the tolls till 28th February 1929?

(c) Do Government propose to discontinue the levy of these tolls? If not, will Government state the reason for its continuance?

(d) Are Government aware that a similar tax was levied by the Great Indian Peninsula Railway on the Jamna Bridge at Muttra, and that the same has now been discontinued? If so, will Government state the reason for the discrimination on the Bombay, Baroda and Central India Railway?

Mr. P. R. Rau: Save that the Bombay, Baroda and Central India Railway have been levying tolls on vehicles crossing the Narbada Bridge, and that the total cost of building the bridge amounted to about 18½ lakhs, Government have no information. I am making inquiries and will communicate with the Honourable Member further on receipt.

ALLEGED ISSUE OF INSTRUCTIONS TO CHIEF AUDITORS OF RAILWAYS TO GIVE PRIORITY IN PROMOTION TO MUHAMMADANS OVER HINDUS.

1226. ***Mr. Mukhtar Singh:** (a) Is it a fact that the Auditor General has issued a circular to Chief Auditors of Railways and others to the effect that, in the matter of confirmation, priority should be given to Muhammadan employees, even if they are junior in service to Hindu employees, and even if this action causes discontent among the latter?

(b) If any such circular has been issued, will the Honourable the Finance Member please lay a copy of it on the table, and say if it was issued with his approval?

The Honourable Sir George Schuster: (a) and (b). I am sending the Honourable Member a copy of the circular to which he refers, together with a copy of the original orders, dated the 5th February, 1926, which the circular is intended to interpret and supplement. The Auditor General's circular, read by itself, is perhaps liable to be misunderstood.

The essential feature of these orders is that heads of Departments are required to consider, in the case of every third vacancy, whether it is desirable that it should go to a member of a minority community. The policy to which these orders are intended to give effect is directed to securing a fair representation of minority communities on the permanent establishment. In giving effect to this policy, it may be necessary to appoint a member of a minority community to a permanent vacancy in preference to a member of a community already well represented on the establishment, who has put in a longer period of temporary employment. Special provision has been made in the interests of any who were holding temporary appointments before the 5th February, 1926.

I had not seen the Auditor General's Circular before, but now that my attention has been drawn to it, I am asking him to send out a more clearly worded circular, showing that the instructions only apply to the extent necessary to give effect to the order, dated the 5th February, 1926.

AMALGAMATION OF ORIYA-SPEAKING TRACTS.

1227. ***Pandit Nilakantha Das:** (a) Has the attention of Government been drawn to the publication in the *Hindustan Times*, Delhi, dated the 14th March, 1929, under the heading "The Government of India's memorandum to the Simonites", written by their political correspondent?

(b) Is it a fact that Government have recommended therein the amalgamation of the Oriya-speaking tracts?

(c) Will Government state the exact recommendation in detail about such amalgamation, and the exact place and character of the amalgamated areas in the coming reorganisations of the Indian provinces?

(d) Apart from the recommendations, what further steps or arrangements, if any, are being taken or contemplated to constitute the Oriya province?

(e) Considering the important nature of the question involving very vital consequences to the Oriya race, will Government make a full statement on the subject?

The Honourable Mr. J. Orerar: (a) Yes.

(b) and (c) A copy of the memorandum on the subject of the amalgamation of the Oriya-speaking peoples, supplied to the Indian Statutory Commission by the Government of India, has been placed in the Library. The memorandum makes no recommendations.

(d) No immediate steps are contemplated by the Government of India. It is understood that representatives of the Oriyas have expressed their views before the Indian Statutory Commission.

(e) Does not arise

RESTRICTIONS TO THE GRANT OF LEAVE TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS

1228 ***Mr. D. K. Lahiri Chaudhury:** (1) Is it a fact:

- (a) that grant of privilege leave to the officials of the Office of the Director General of Posts and Telegraphs, except under medical certificate has been stopped by the present Chief Superintendent?
- (b) that even when an application for privilege leave from an individual clerk of that office is supported by a medical certificate from a qualified registered medical practitioner, various objections are raised, as a rule, by the present Chief Superintendent?
- (c) that the clerk submitting such application for leave is forced by the Chief Superintendent to appear before him personally, before the sanction of the leave, even if the clerk is unfit to come to office owing to his illness?
- (d) that the poor clerks are harassed, as above, and subjected to various other maltreatments?
- (e) that recently, charge sheets have been framed against two clerks named Messrs H C Dutt and L. M Chakravartty of that office for keeping themselves away from office due to illness, and even on production of applications supported by medical certificates?

(2, If so, do Government propose to inquire into the matter and take immediate steps in the matter and remove their grievances?

The Honourable Sir Bhupendra Nath Mitra: (1). (a), (b), (c) and (d). No.

(e) Messrs. H. C. Dutt and L. M. Chakravartty absented themselves without permission. A charge sheet was framed against the former who was warned. No charge sheet was framed against the latter.

(2) No inquiry is considered necessary into these cases of ordinary office discipline.

DUTIES OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1229 ***Mr. D. K. Lahiri Chaudhury:** Is it a fact:

- (a) that the present Chief Superintendent of the Office of the Director General, Posts and Telegraphs, although a gazetted officer in a non-gazetted appointment, has got very little to do except to see the opening of the daily daks, whereas all other questions affecting the staff (appointment, leave, etc.), bills and cash work are done by another Assistant Director General? If so, what is the necessity for maintaining such a highly paid officer having no defined duties of his own; and
- (b) that the reduction of this appointment is under consideration of Government for effecting a large saving? If so, when will this be done?

Mr. P. G. Rogers: (a) No. On the contrary the Chief Superintendent has defined and responsible duties.

(b) No

OFFICE HOURS OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS AND HIS STAFF.

1230 ***Mr. D. K. Lahiri Chaudhury:** Is it a fact:

- (a) that the present Chief Superintendent of the Office of the Director General, Posts and Telegraphs, as a rule remains in office daily till late at night?
- (b) that the poor chaprasis and other menial staff have been ordered to remain in office with him also till late hours, thus causing a great hardship to them?
- (c) that clerks of that office are very frequently forced to remain in office till he remains, so late as eight, nine or ten at night?

Mr. P. G. Rogers: (a) Yes.

(b) No.

(c) No

OFFICE HOURS OF THE STAFF OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1231. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government be pleased to say whether the Chief Superintendent of the Office of the Director General, Posts and Telegraphs, has any right to insist on the staff remaining in office till late hours without paying them extra remuneration?

(b) Are there any fixed office hours of attendance and for closing of that office? If so, what are they?

(c) Do Government propose to investigate into the matter?

Mr. P. G. Rogers: (a) The Chief Superintendent has never asked, much less insisted, on any member of the staff remaining late in office.

(b) Yes, the ordinary hours are 10-80 A.M. to 4-80 P.M.

(c) Does not arise.

PAY OF CERTAIN JUNIOR CLERKS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1232. ***Mr. S. O. Mitra:** (a) With reference to parts (c) and (e) of my starred question No. 840 of the 4th March, 1929, will Government be pleased to state what is the minimum pay of a routine clerk in the Secretariat?

(b) What is the pay of the register-keeper of the Medal Section?

(c) What is the pay of the typist of the Medal Section?

(d) Why was Mr. Ganguli not paid any allowances or honorarium for his additional work in the General Section?

Mr. G. M. Young: (a), (b) and (c) Rs. 75 per mensem.

(d) The clerk in question did no additional work.

EMPLOYMENT IN THE GENERAL SECTION OF INDUSTRIAL WORKERS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1233. ***Mr. S. O. Mitra:** (a) With reference to part (d) of my starred question No. 840 of the 4th March, 1929, is it not a fact that the following men of the Industrial Section worked in the General Section

- (1) Mr A K Ghose—did the same work in the B. W. M. sub-section, for which he was originally brought to Delhi on Rs. 75.
 - (2) Mr. B. Ganguli—issuing the India General Service medals, register-keeper
 - (3) Mr. Sardar Mohammed—typing the issue letters
 - (4) Mr. K. C. Das—typing the issue letters, indexing, entering the outward numbers and dates of issue letters in proper files.
 - (5) Mr. S. Chatterjee—in addition to the work of checker had to type issue letters, enter outward numbers and dates of issue letters in proper files, and other work of the General Section.
 - (6) Mr M L Chatterjee—typing the ordinary letters, notes, etc., in place of Mr. Ikbāl Mohammed Khan (who was a routine division clerk on Rs. 75.)
 - (7) Mr B. Banerjee—indexing, in addition to the work of puncher?
- (b) If so, how is the answer of the Honourable Member accurate?

Mr. G. M. Young: (a) and (b) It was not the practice to employ the industrial staff on routine clerks' duties. But occasionally routine clerks, whose time was not fully occupied in the Industrial Sub-Section, were utilized also as routine clerks in the General Section as instanced by the Honourable Member.

DUTIES AND ALLOWANCE OF THE SUPERINTENDENT, MEDAL SECTION,
ARMY DEPARTMENT.

1234. ***Mr. S. C. Mitra:** (a) With regard to the reply to part (a) of my starred question No. 842 of the 4th March, 1929, is it not a fact that the Assistant in charge, Medal Section, used to sign as Superintendent, Medal Section? Is it not a fact that all letters issued from the Medal Section are franked embossed as "P. K. Sett, Superintendent, Medal Section"? Does the Assistant in charge actually check the inscription on medals?

(b) With regard to my question No. 842 (b), how can Government justify an allowance of Rs 80 only for checking inscriptions on medals? Cannot the puncher or the clerk be held responsible for any wrong inscription? What is the daily outturn of the work?

Mr. G. M. Young: (a) The answers to all three portions of this question are in the affirmative, but the post in question carries neither the status nor the pay of a Superintendent and the designation on the rubber stamp, to which the Honourable Member refers, was to that extent incorrect.

(b) I am not prepared to enter into a public argument on these points. Government are satisfied that the work justifies the grant of an allowance.

APPOINTMENT IN THE CENTRAL PRINTING OFFICE OF MR. ANARUL RAHMAN,
AN EMPLOYEE OF THE ARMY CANTEN BOARD.

1235. ***Mr. S. C. Mitra:** (a) Is it a fact that some of the men of the Army Canteen Board have been provided for, after an examination by the Establishment Officer of the Army Department? If so, why? Is the Canteen Board a secretariat?

(b) Is it a fact that one, Mr. Anarul Rahman of the Canteen Board, has been provided for in the Central Printing Office, having been certified by the Public Service Commission as, "Tested by Canteen Board"? If so, why? Is the Public Service Commission prepared to grant the same privilege to the retrenched men of other departments? If not, why not?

Mr. G. M. Young: (a) Some ex-employees of the Army Canteen Board have been given temporary posts at Army Headquarters, for which they were suitable. The Army Canteen Board, when it existed, was not classed as a Secretariat, nor are Army Headquarters.

(b) A clerk, of a different name from that given by the Honourable Member, has been appointed to the Central Printing Office on the recommendation of the Public Service Commission, presumably, because the Commission considered him suitable. The latter parts of this question are hypothetical, but I have no doubt that the Public Service Commission do what they can to help deserving cases of this nature, where permanent employees are retrenched through no fault of their own.

APPOINTMENT OF RETRENCHED MEN OF THE MEDAL SECTION TO
APPOINTMENTS EXEMPT FROM PUBLIC SERVICE COMMISSION TESTS.

1236. ***Mr. S. C. Mitra:** (a) Are Government aware that some men of the Central Printing Office were granted exemption from the Public Service Commission? If so, on what grounds?

(b) Is it a fact that the Contracts Directorate is not under the scope of the Public Service Commission, and they recruited several men during the last Simla season? Is the establishment of the Contracts Directorate under the control of the Establishment Officer? If so, why were the retrenched men of the Medal Section not given first preference?

(c) Do Government propose to keep a list of the retrenched men and try to provide them in the offices which are not under the scope of the Public Service Commission, for example, the Contracts Directorate?

Mr. G. M. Young: (a) I am informed that some men were exempted in consideration of their age and past service, after consultation with the Public Service Commission

(b) The clerks of the Contracts Directorate are required to possess special commercial training and aptitude. Recruitment for that Directorate is effected by the Director of Contracts, subject to the approval of the Master General of Supply and the Army Department. The retrenched temporary personnel of the Medal Section were not in any way qualified for posts in the Directorate of Contracts

(c) Government were prepared to assist these men, as far as they could, to obtain employment for which they were suitable. Government are still prepared to do so. I can give no further undertaking than this

PRINCIPLE FOLLOWED IN THE RETRENCHMENT OF THE STAFF OF THE MEDAL SECTION OF THE ARMY DEPARTMENT.

1237. ***Mr. S. C. Mitra:** (a) With reference to part (b) of my starred question No 841 of the 4th March, 1929, could not even Mr Das do the work of the register keeper, despatcher, issue clerk or assistant stockholder? If not, why was he not retrenched earlier when some of the graduates were retrenched?

(b) Is it a fact that retrenchment in the Medal Section was made in accordance with the whims of the officer in charge, sometimes in order of seniority, while on other occasions in order of merit and efficiency, as it suited his purpose?

(c) If not, what principle does he follow in matters of retrenchment of officers?

Mr. G. M. Young: (a) I have not been able to follow the question, but as already stated, the clerk was discharged because the establishment was being reduced and he was at that time the least efficient member of it.

(b) No

(c) Both seniority and efficiency are taken into account

WITHHOLDING OF TELEGRAMS ADDRESSED TO SECRETARIES OF BRANCH CONGRESS COMMITTEES REGARDING THE ARREST OF MAHATMA GANDHI AND MR. K. S. ROY.

1288 ***Mr. S. C. Mitra:** (a) Is the statement in the *Amrita Bazar Patrika*, dated the 8th March, correct that "the following telegram

addressed to the Secretaries of different district and branch Congress committees on Tuesday morning was withheld by the Telegraph Office:

'Mahatma Gandhi, Kiran Sankar Roy arrested for burning foreign cloth. Arrange protest meetings immediately. Start foreign cloth boycott propaganda and burn foreign cloth—Subhas Bose' ''?

(b) If so, will Government please explain the reason for withholding the message?

(c) Under what provision of law was the telegraphic message withheld and under whose orders?

The Honourable Mr. J. Crerar: The telegram in question was referred by the Telegraph Office, under Rule 13 of the Indian Telegraph Rules, to the Local Government, who, considering that its transmission was calculated, in the absence of full details, to produce disturbances or create unfounded public alarm, in exercise of the powers conferred by section 5 of the Indian Telegraph Act, ordered that it should not be transmitted.

Diwan Chaman Lall: May I ask the Honourable Member whether, in view of the fact that the statements made therein were perfectly correct, he will take the first opportunity to tender an apology to the sender of the telegram?

The Honourable Mr. J. Crerar: No, Sir.

Diwan Chaman Lall: What action does the Honourable Member intend to take in view of the infringement of the right of a member of the public to use the telegraph lines to send a telegraphic message concerning certain facts?

The Honourable Mr. J. Crerar: That is entirely within the discretion of the Local Government and the Government of India do not intend to intervene in that.

Mr. Gaya Prasad Singh: May I know, Sir, what is the attitude of the Government with regard to the burning of foreign cloth by the people?

The Honourable Mr. J. Crerar: That does not arise.

Diwan Chaman Lall: May I ask the Honourable Member whether the real reason was that the official concerned stopped this telegram, not being aware of the full facts?

The Honourable Mr. J. Crerar: The real reason was that which I communicated in my reply to the question.

Diwan Chaman Lall: Will the Honourable Member make himself perfectly clear, because the real reasons are not apparent from the reply given by him just now?

The Honourable Mr. J. Crerar: I think the reply is clear.

Diwan Chaman Lall: May I ask the Honourable Member as to what the real reason is? Was it or was it not, firstly that he was not aware of the full facts, and secondly that the transmission of this telegram was likely to create agitation in the country?

The Honourable Mr. J. Orerar: I have nothing to add to what I have said on the subject.

RESERVATION OF THIRD CLASS COMPARTMENTS FOR EUROPEANS ON INDIAN RAILWAYS.

1239. ***Mr. M. S. Aney:** (a) Has the attention of the Government been drawn to the letter published in the issue of *Leader* of 6th March, under the signature of Chandra Dutta Pande, Professor, Kashi Vidyapeetha of Benares?

(b) Will Government be pleased to state whether the Railway Board or any of the superior officers of the East Indian Railway, have issued instructions to maintain a third class compartment reserved for Europeans on the trains they run and to admit into the compartment only those who are dressed in European garments, irrespective of their nationality?

(c) Will Government be pleased to state whether they have issued definite and unambiguous instructions to the railway authorities at all the stations not to reserve any third class compartment for Europeans, and not to observe any racial or sartorial discrimination in admitting passengers to any such compartment in any train?

(d) If the allegations in the letter mentioned in part (a) are true, will Government be pleased to state what steps they have taken or propose to take against the Station Master at Benares Cantonment Station?

Mr. P. R. Rau: I would invite the Honourable Member's attention to the reply I gave on the 22nd March to a similar question (No. 1175) put by my Honourable friend Maulvi Muhammad Yakub.

REVERSION OF TELEGRAPHIST B. C. DE FROM THE WHEATSTONE WIRELESS STATION, RANGOON

1240. ***Mr. M. S. Sessa Ayyangar:** (a) With reference to the reply given to the question put by U. Tok Kyi in the Assembly on the 18th September, 1928, regarding the reversion of telegraphist B. C. De, from the Wheatstone wireless station, Rangoon, will Government be pleased to state on whose report he was found unsuitable?

(b) Will Government be pleased to state whether it is not a fact that there was no report of such unsuitability from the officer in charge by whom he was trained?

(c) Was he found unsuitable as the result of any examination?

(d) Are Government aware of the fact that De's reversion took place, not while he was under training, but after he had been examined and had passed the test?

(e) Is it a fact that his reversion took place while he was working as a qualified operator?

(f) Is it not a fact that the reversion order had been passed by the Director. Wireless, before the fact of telegraphist De having been examined and having passed the test was communicated to him?

Mr. P. G. Rogers: With your permission, Sir, I will answer questions 1240 and 1241 together

IN VIEW OF further facts which have come to light since the reply given to U. Tok Kyi's starred question No. 1058 of the 12th March, 1929, the whole case regarding Mr. De's reversion is being re-examined and the Honourable Member will be apprised of the result in due course.

PREVIOUS PAYMENT TO MR. B. C. DE OF THE ALLOWANCE OF A QUALIFIED WIRELESS OPERATOR.

†1241. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state whether it is a fact that wireless allowances in the Wheatstone wireless experimental stations are granted to operators only after they have passed the test for retaining them as operators?

(b) Is it a fact that telegraphist De has received this allowance for the period he worked as an operator after qualifying himself at the test?

CUSTOMS TARIFF RATES RECOMMENDED BY THE INDIAN TAXATION INQUIRY COMMITTEE.

1242 ***Mr. Mukhtar Singh:** (a) Have Government appointed any committee of experts to scrutinise the customs tariff rates, as recommended by the Indian Taxation Inquiry Committee?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state if any report of that Committee has been received? If the answer be in the negative, will Government be pleased to state the action taken on the aforesaid recommendation?

The Honourable Sir George Rainy: (a) No

(b) No action has as yet been taken on this recommendation

INQUIRY INTO THE LOSS OF REVENUE IN COLLECTING CUSTOMS DUTIES.

1243. ***Mr. Mukhtar Singh:** As recommended by the Indian Taxation Inquiry Committee, has any inquiry been made into the causes of loss of revenue in collecting custom duties? If so, with what results?

The Honourable Sir George Schuster: An inquiry was made, as recommended by the Indian Taxation Inquiry Committee. The result of the inquiry has been that, so far as the sea-borne traffic is concerned, the existing arrangements are, on the whole, satisfactory, and that there has been very little loss of revenue. As regards land frontiers, particularly round Pondicherry and Karikal, it has always been recognized that effective preventive arrangements are difficult. Substantial additions to the land frontier staff have been made in recent years, both before the appointment of the Taxation Inquiry Committee and after, and it is believed that smuggling on the land frontiers is being held in as complete check as is possible without altogether disproportionate expense and harassment of local traffic.

LEAD POISONING OF WORKERS IN GOVERNMENT OF INDIA PRESSES.

1244. ***Diwan Chaman Lal:** (a) Will Government be pleased to state if it is a fact that a large number of casters, compositors and distributors suffer from lead poisoning in the Government of India Presses?

(b) What measures are adopted for the prevention of the disease?

† For answer to this question, see answer to question No 1240

(c) Is any compensation paid under the Workmen's Compensation Act to the workers who are incapacitated for further service due to lead poisoning?

(d) Is soap supplied to the workers for washing their hands and nails at regular intervals?

(e) Does not lead poisoning fall under occupational diseases as defined in the said Act?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer questions Nos. 1244 and 1245 together. Inquiries are being made and the result will be communicated to the Honourable Member in due course.

GRANT OF COMPENSATION TO COMPOSITORS INVALIDED DUE TO LEAD POISONING.

1245 ***Diwan Chaman Lal:** (a) Will Government be pleased to state if it is a fact that two compositors named Preombada Chuckerbutty and Mahabir Prosad employed in the Government Press, Delhi, were invalided due to lead poisoning?

(b) Was any compensation given to the two compositors under the Workmen's Compensation Act?

(c) Is it a fact that compositor Preombada Chuckerbutty interviewed the Manager at his bungalow in connection with the compensation but the Manager refused to entertain any claim in this respect?

(d) Is it a fact that the said compositor suffered from colic and paralysis of the extensor muscles of the forearms due to lead poisoning and subsequently died at Calcutta? If so, why was no compensation given to him?

HONORARIUM GRANTED TO THE MANAGER AND ASSISTANT MANAGER OF THE GOVERNMENT OF INDIA PRESS FOR PRINTING BUDGET PAPERS.

1246. ***Diwan Chaman Lal:** (a) Will Government be pleased to state if it is a fact that an honorarium is granted to the Manager and the Assistant Manager of the Government of India Press, Delhi, every year for printing budget papers?

(b) What are the reasons for incurring recurring expenditure of this description every year?

(c) Does not the printing of the budget form part of the ordinary duties of the said officers? If not, why is an honorarium not granted to the General Foreman and the staff who actually do the work?

(d) Is it a fact that an honorarium is granted for work of an exceptional merit and peculiar nature? If so, why is an honorarium sanctioned for work which is performed every year?

(e) Is any honorarium granted to the Managers and other staff in the provincial presses for printing budget work?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The work is considered to be of such an arduous nature as to justify a special reward.

† For answer to this question, see answer to question No. 1244.

(c) The printing of the budget is part of the ordinary duties of the Manager and Assistant Manager, but it involves a very heavy strain on both these officers. The General Foreman and the staff are paid over-time allowance and are not therefore granted an honorarium.

(d) An honorarium may also be sanctioned for work which is of such an arduous nature as to justify a special reward. The grant of an honorarium for the prompt and efficient printing of the budget is admissible under the rules and in the opinion of the Government of India it is fully justified.

(e) The Government of India have no information.

Mr. Gaya Prasad Singh: May I know what is the amount of the honorarium which was paid to the Manager and the Assistant Manager?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, I have not got the information with me now; and I must ask my Honourable friend to put down a question on the paper on the point.

APPOINTMENT OF A QUALIFIED MECHANIC FOR MONOTYPE MACHINES IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1247. *Diwan Chaman Lal: (a) Will Government be pleased to state if it is a fact that there is no qualified Mono-mechanic in the Government Press, Delhi? If so, is it a fact that great hardship is caused to operators by having to adjust their machines?

(b) Is it a fact that one mono-keyboard, transferred from the Calcutta Press has been lying idle for the last six months as there is no qualified mechanic to put it in working order?

(c) Is it a fact that the undernoted new mono-machinery was burnt out or broke down soon after its installation in 1927-28 owing to the carelessness or inefficiency of the men in charge:

(i) Five electric mono-heaters costing Rs. 5,000,

(ii) Mono-motor attached to compressor costing Rs. 1,500,

(iii) Mono compressor costing Rs. 2,000?

(d) If the reply to part (c) be in the affirmative, what steps do Government propose to take to safeguard expensive machinery being spoilt or broken owing to lack of supervision?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative. The latter part of the question does not arise.

(b) No.

(c) No.

(d) Does not arise.

GRANT TO WORKERS IN THE GOVERNMENT PRESS, DELHI, OF COPIES OF ORDERS INFLECTING PUNISHMENT ON THEM.

1248. *Diwan Chaman Lal: (a) Will Government be pleased to state if it is a fact that copies of orders inflicting punishments on workers are not given to the men concerned by the Manager, Government Press, Delhi, and the Controller of Printing, for the purpose of filing appeals to higher authorities? If so, why?

(b) Is it a fact that Press workers are not very educated and that they have to rely on educated men to write appeals for them?

(c) Are there any Government orders against copies of punishment orders being given to the men concerned when they ask for them?

The Honourable Sir Bhupendra Nath Mitra: (a) Copies of the orders are not given to the workers concerned, but the orders are communicated to them by the head of the Branch concerned.

(b) Government have no information

(c) No.

Diwan Chaman Lall: May I ask the Honourable Member, Sir, whether he intends to revise the practice, and to issue orders accordingly?

The Honourable Sir Bhupendra Nath Mitra: I shall have that point looked into, but I cannot give the Honourable Member any assurance

USE OF PHYSICAL VIOLENCE BY SECTION-HOLDER A. AZIM, AGAINST
CO-WORKERS IN THE GOVERNMENT PRESS, DELHI.

1249. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that officiating section-holder, Mr. A. Azim, in the Delhi Press, is in the habit of using physical violence against workers?

(b) Is it a fact that the said section-holder threatened operator Biru Ram with sticks and slaps in the presence of the Assistant Manager, but no disciplinary action was taken against the section-holder, but the operator was punished instead by his promotion having been stopped?

(c) Is it a fact that the said section-holder last month caught Malku, compositor, by the neck and kicked and slapped him in the presence of the Manager, who took no action against the section-holder?

The Honourable Sir Bhupendra Nath Mitra: (a) No

(b) A quarrel occurred between the section-holder and the operator. The matter was investigated by the Works Committee, and disciplinary action was taken against both of them.

(c) No.

PROMOTIONS TO SENIOR GRADES IN THE READING BRANCH OF THE
GOVERNMENT PRESS, DELHI.

1250. ***Diwan Chaman Lall:** (a) Will Government be pleased to state if it is a fact that a large number of promotions in the senior grades have been made in the reading branch of the Delhi Press without the knowledge and approval of the Controller of Printing?

(b) Is it a fact that the claims of senior readers have been overlooked in promotions and a number of juniors promoted to higher grades?

(c) Is it a fact that men who were copy-holders of Mr. Hafizulla have been promoted as senior readers whereas Mr. Hafizulla, who was appointed as a reader nearly 15 years back, before all the men so promoted, is still kept in the junior scale?

(d) Is it a fact that a junior reader, who was lately in the Rs. 110 grade, has been appointed as a head reader on Rs. 350 per mensem?

(e) Is it a fact that the said head reader is unable to write or speak English correctly? If so, is it proposed to fill the appointment permanently with a better qualified senior reader by transfer either from the Calcutta or the Simla Press?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) No.

(c) I am making inquiries and will communicate the result to the Honourable Member in due course.

(d) No.

(e) No, the second part of the question does not arise.

UNEVEN DISTRIBUTION OF WORK TO PIECE-WORKERS IN THE GOVERNMENT PRESS, DELHI.

1251. ***Diwan Chaman Lall:** (a) Is it a fact that in the Delhi Press much favouritism and petty oppression prevails in the distribution of work by section-holders to piece-workers?

(b) Is it a fact that profitable work is given by section-holders to their own favourites and the other men are kept on starvation wages by the withholding of profitable work from them?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) The answer is in the negative.

CHECKING OF TIME-WORK DONE BY PIECE-COMPOSITORS IN THE GOVERNMENT PRESS, DELHI.

1252. ***Diwan Chaman Lall:** (a) Is it a fact that the time allowed by correction-checkers to piece-compositors for time-work is neither checked by the Manager nor the Assistant Manager of the Delhi Press with the files?

(b) If so, why is no check exercised?

(c) Are not correction charges checked by the Assistant Manager and the case room overseers in the Calcutta Press?

The Honourable Sir Bhupendra Nath Mitra: (a) No. It is a part of the duties of the Assistant Manager to check a portion of the time memoranda.

(b) Does not arise.

(c) It is the duty of the Overseers to check a portion of the correction charges checked by correction checkers.

APPOINTMENT TO THE GOVERNMENT OF INDIA PRESS, DELHI, OF RELATIVES OF THE ASSISTANT MANAGER.

1253. ***Diwan Chaman Lall:** (a) Is it a fact that a large number of vacancies in the clerical and reading branches of the Government of India Press, Delhi, are filled by the relatives of the Assistant Manager?

(b) Is it a fact that two brothers-in-law and two nephews of the Assistant Manager are already employed in the Press?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) I am informed by the Controller that only one brother-in-law of the Assistant Manager is employed in the Press. (Laughter.)

**ALLEGED SALE OF INJURIOUS DRUGS IN THE TIFFIN ROOM OF THE
GOVERNMENT PRESS, DELHI.**

1254. ***Diwan Chaman Lall:** Is it a fact that opium and *ganja* are freely sold and indulged in by a large number of the employees in the tiffin rooms of the Delhi Press? If so, why no action is taken by the Manager to stop the sale of injurious drugs in the Press?

The Honourable Sir Bhupendra Nath Mitra: The drugs in question are not freely sold in the tiffin rooms of the Delhi Press, and Government have no information as to whether they are freely indulged in by a large number of employees in the Press. The second part of the question does not therefore arise.

Diwan Chaman Lall: May I ask the Honourable Member whether he will make inquiries and find out whether these two drugs are being consumed in large quantities?

The Honourable Sir Bhupendra Nath Mitra: I am afraid it is not possible for me to make inquiries whether any employees in the Press, or how many of them, or whether a large number of them, are in the habit of taking drugs or not.

Diwan Chaman Lall: But the question is, Sir, whether these drugs are being sold in the premises of the Press?

The Honourable Sir Bhupendra Nath Mitra: I have already answered that part of the question, Sir.

**MEMORIALS TO THE AGENT AND DIVISIONAL SUPERINTENDENT, NORTH
WESTERN RAILWAY, BY THE STAFF OF THE DELHI AREA OF THAT
RAILWAY.**

1255. ***Diwan Chaman Lall:** (a) Will Government be pleased to state whether they are aware of the memorials sent by the "Staff Delhi area" to (1) the Divisional Superintendent, North Western Railway, Delhi (2) the Agent, North Western Railway, Lahore, representing certain grievances to be redressed?

(b) If so, what action is being taken on these memorials?

(c) If not, do Government propose to take immediate steps to remove the grievances?

Mr. P. R. Rau: Government have no information, but it would appear that the matters referred to are such as the Agent has full powers to deal with. A copy of the Honourable Member's question is being sent to the Agent.

Diwan Chaman Lall: May I ask the Honourable Member whether it is the considered policy of the Government or the Railway Board that all matters referred to in questions put on the floor of the House should be referred merely to the Agent, and no satisfactory reply given on the floor of this House?

Mr. P. R. Rau: These are matters for the local administration and the memorials have been sent to the Divisional Superintendent and the Agent. If the staff are dissatisfied with any of the replies given by these officers, and have a right of appeal, I presume they will address the Railway Board themselves.

COMPLETION OF THE BETALA-BEAS RAILWAY.

1256 ***Diwan Ohaman Lall:** (a) Is it a fact that, though the construction of the Betala-Beas Railway was sanctioned a year ago, only a portion thereof up to Qadian has since been opened for traffic?

(b) Is it a fact that, though the complete line has been surveyed, land acquired and earth-work completed, further work on the line, up to Beas, is being suspended? If so, why?

(c) Is it a fact that station buildings up to Srigobindpur—about 11 miles from Qadian—have practically been completed and tracklaying only remains?

(d) Do Government propose to order the immediate construction of the line at least up to Ghoman Station?

Mr. P. R. Rau: (a) Yes

(b) Yes Work on the portion beyond Qadian was temporarily suspended in order that the funds available should be devoted to more important works

(c) This statement is correct, but I may add that the number of stations involved is only two.

(d) Government recognise the desirability of going on with this line at an early opportunity.

Diwan Ohaman Lall: May I ask the Honourable Member what the other particular works are on which these funds were employed?

Mr. P. R. Rau: The information is contained in the budget statement which was placed before this House recently.

ISSUE BY RAI SAHIB GANGA RAM, ASSISTANT, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, OF A NOTICE OF THREATENED STRIKE BY SWEEPERS AGAINST MUSLIMS IN SIMLA.

1257. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that there is one Rai Sahib Ganga Ram employed as an Assistant in the Department of Education, Health and Lands?

(b) If the answer to part (a) is in the affirmative, are Government aware that he is the President of the Balmeki Sabha (Sweepers' Association), Simla?

(c) Are Government aware that a notice was recently issued over his signature to the Muslim community of Simla that the local sweepers would go on strike as far as the Muslim community alone was concerned if a certain sweeper woman, alleged to have been abducted by a local Muslim, was not returned by a certain date?

(d) Are Government also aware that the said sweeper woman had embraced Islam of her own free will and was not abducted by a Muslim, as alleged by the said Rai Sahib Ganga Ram?

(e) Are Government also aware that the Muslim community of Simla, as a whole, protested against this action of the said Rai Sahib Ganga Ram?

(f) Are Government aware that the Deputy Commissioner, Simla, warned the said Rai Sahib Ganga Ram against this action of his?

(g) If the answers to the above questions are in the affirmative, what disciplinary action was taken by Government against the said Rai Sahib Ganga Ram under the Government Servants' Conduct Rules? If none was taken, why not?

Mr. G. S. Bajpai: (a) Yes.

(b) to (f). Government have no information beyond what has already appeared in the Press.

(g) The case is not covered by the Government Servants' Conduct Rules, but Mr. Ganga Ram was warned.

REJECTION ON MEDICAL GROUNDS OF CANDIDATES FOR THE I. C. S. AND INDIAN FINANCE DEPARTMENT EXAMINATIONS.

1258 ***Mr. Amar Nath Dutt:** (1) Is it a fact that Babu Panchanan Chakravarty who passed the B A examination of the Calcutta University, securing first place in the examination, was not allowed by the Bengal Government to appear at the I. C. S. examination in 1927 on the ground of a slight narrowness in the chest?

(2) Is it a fact that he was not allowed in 1928 to compete at the all-India Finance Examination, though he stood first in the M.A. examination, on the ground that he suffered from a slight ring-worm in the waist?

(3) Is it a fact that another candidate was not allowed by the Bengal Government to appear at the 1928 Indian Police Service examination on the ground of his having a slight tendency towards hydrocele?

(4) If the answer to the above questions be in the negative, will Government state on what medical grounds they were not allowed to sit at these examinations?

(5) Is it a fact that Mr. Fazlur Rahman Khondokar was allowed by the Bengal Government to sit at the Indian Police Service examination in 1928, even though he was declared by the Medical Board to have been suffering from hernia?

(6) If so, will Government state why the two candidates referred to in parts (1), (2) and (3) have been debarred from examination while the candidate referred to in part (5) has been allowed to sit at the examination?

(7) Will Government please place on the table any other facts which led the Government of Bengal or the Public Service Commission to justify the differential treatment in the case of these candidates?

The Honourable Mr. J. Ozerar: The attention of the Honourable Member is invited to the reply given by me to Mr. S. C. Mitra's question on the same subject on the 15th instant.

LACK OF UNIFORMITY IN ROBES WORN BY ADVOCATES OF THE CALCUTTA HIGH COURT.

1259. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the robes to be worn by Advocates of the Calcutta High Court are not uniform?

(b) Do Government propose to take steps in the direction of the creation of an Indian Bar, as foreshadowed in the speech of the Honourable the Home Member in connection with the Indian Bar Councils Act in 1926?

(c) If so, will Government be pleased to state what steps they propose to take to bring about uniformity in the matter of robes of the Advocates of the Calcutta High Court?

The Honourable Sir Brojendra Mitter: (a) The matter is being considered by the Judges of the High Court.

(b) The Bar Councils Act, which was stated by Sir Alexander Muddiman to be a step in the direction of the creation of an Indian Bar, has been in operation for less than a year. As at present advised, Government do not propose to take any further steps.

(c) The matter of the robes of Advocates of the Calcutta High Court rests entirely with the High Court, and Government do not propose to interfere.

Mr. K. Ahmed: Are Government aware that a Resolution has already been passed in the Bar Council, Calcutta, that the question of dress should not be a question of their objection, because on behalf of the Vakils Mr. Rangachariar, an ex-M L. A. and Mr. K. C. Neogy, now in the Assembly, admitted, at the time when the Bill was under discussion, that it was not a question of their objection, and they were quite satisfied with the Vakil's dress which they used to robe themselves with?

The Honourable Sir Brojendra Mitter: The whole of this matter, Sir, is being considered by the Calcutta High Court.

Mr. Amar Nath Dutt: May I ask the Honourable Member whether it is a fact that the Barrister Advocates are in the majority in the Bar Council and that they are bent upon having a distinction as Barrister Advocates?

The Honourable Sir Brojendra Mitter: If the Honourable Member is referring to the Calcutta Bar Council, then the constitution of the Calcutta Bar Council is half Barristers and half non-Barristers, and the Advocate-General is the ex-officio Chairman.

Mr. K. Ahmed: Is it a fact that the Government of India, in the Home Department, received a memorial from members of the Bar Council in England that their robes should not be worn by the present Advocates under the Bar Councils Act, and that they were the robes of the Barristers from England, Scotland and Ireland, which could not legally be interfered with?

The Honourable Sir Brojendra Mitter: That again is a subject which is now being considered by the Judges of the High Court. I may inform Honourable Members that a sub-committee of the Judges of the Calcutta High Court has been appointed to go into the whole matter.

Maulvi Muhammad Yakub: May I know what will be the position of the Barristers who cannot put two sentences together in the Bar Council?

Mr. K. Ahmed: Exactly in the same category.

Mr. President: Order, order. Mr. Neogy.

Mr. K. C. Neogy: May I take it, Sir, that the Honourable the Home-Member has nothing to do with this question, and that the administrative control of the High Court has been made over to the portfolio of the Honourable the Law Member?

The Honourable Mr. J. Crerar: The Honourable the Law Member kindly consented to answer this question, because he has special cognizance of it.

Mr. K. C. Neogy: May I take it that, in answering this question, the Honourable the Law Member has not been influenced by the fact that he has been the Chairman of the Calcutta Bar Council for some time?

The Honourable Sir Brojendra Mitter: Not in the least.

Mr. K. C. Neogy: Will the Honourable Member be then pleased to state whether it is a fact that, whenever there was a conflict between the Barristers and the non-Barristers, the Barristers have always been able to carry the day by defeating the non-Barristers either by the ordinary vote of the Chairman or by his casting vote?

The Honourable Sir Brojendra Mitter: I am not in a position to agree with the Honourable Member.

Mr. K. C. Neogy: Will the Honourable Member kindly brush up his memory and tell us whether it has not been his own experience?

The Honourable Sir Brojendra Mitter: When the Barristers have won, they have won by the inherent merit of their case.

Mr. K. C. Neogy: May I know, Sir, whether it is not a fact that, on occasion, they were helped to win with the aid of the casting vote of the Chairman?

The Honourable Sir Brojendra Mitter: I am not aware of it. Certainly that was not the case when I was Chairman of the Bar Council.

Mr. K. C. Neogy: Do Government propose to inquire and satisfy themselves how far the spirit in which this measure was conceived, is being carried out in actual operation in Calcutta?

The Honourable Sir Brojendra Mitter: The Bar Councils Act has, in Calcutta, been in operation, I believe, since last July. The Council holds one meeting and sometimes more meetings every month, and it is in close touch with the Judges of the High Court. This is a domestic matter of the High Court's with which the Government of India do not propose to interfere.

Mr. K. C. Neogy: Is it not a fact that the Calcutta High Court stands on a different footing from other High Courts in regard to the constitution of the Bar Councils?

The Honourable Sir Brojendra Mitter: The constitution of the Bar Councils of Calcutta and Bombay stand on a different footing from the constitution of the Bar Councils in other Provinces. That is regulated by the Bar Councils Act.

Mr. K. C. Neogy: Is the Honourable Member aware that, when this measure was under discussion, apprehensions were expressed by non-official Members that this distinction in the case of the Calcutta High Court might operate to the prejudice of Vakils?

The Honourable Sir Brojendra Mitter: Sir, I am sorry I was not in the Assembly at the time, so I am not aware of what was said on that occasion.

Mr. K. C. Neogy: Is it not to be expected that the Honourable Member should read up the debates before he takes upon himself the duty of answering questions in this House?

INTRODUCTION OF UNIFORMITY IN ROBES WORN BY ADVOCATES OF THE CALCUTTA HIGH COURT

1260. ***Mr. Amar Nath Dutt:** (a) Is it a fact that in some High Courts there is uniformity of robes of all Advocates?

(b) If so, will Government be pleased to state if they propose to take steps to bring about uniformity of robes of Advocates of the Calcutta High Court?

The Honourable Sir Brojendra Mitter: (a) Government have no definite information.

(b) No

TIMING OF NO. 88 DOWN LOCAL TRAIN ON THE EAST INDIAN RAILWAY.

1261 ***Mr. Amar Nath Dutt:** (a) Is it a fact that the timing of the 88 down local train of the East Indian Railway has been changed since September last?

(b) Was there any complaint to the Agent by the daily passengers about the altered timing?

(c) If so, will Government be pleased to state what action, if any, has been taken to restore the former timing?

Mr. P. R. Rau: With your permission, Sir, I will reply to this and the next question together. Government have no information on the matters raised in these questions and I am sure the Honourable Member will recognise that it is impossible for them to take any direct part in the preparation of time-tables. A copy of these questions will be sent to the Agent of the East Indian Railway to consider whether any action is necessary.

PAUCITY OF LOCAL TRAINS ON SUNDAY ON THE EAST INDIAN RAILWAY.

†1262 ***Mr. Amar Nath Dutt:** (a) Is it a fact that the daily passengers of the East Indian Railway experience great difficulty on Sundays for want of any train for more than five hours after the 89 up?

(b) Was there any complaint about it to the Agent? If so, what action has been taken on it?

DISCONTENT OF SENIOR MEN IN GOVERNMENT SERVICE SUPERSEDED UNDER A RECENT HOME DEPARTMENT CIRCULAR.

1263. ***Mr. Amar Nath Dutt:** Are Government aware that the Home Department Circular No F-176/25-Est., dated 5th February, 1926, has caused great hardship and discontent amongst the senior men who have been superseded by juniors? If so, will the Government state the reasons for such special treatment?

† For answer to this question, see answer to question No 1261.

The Honourable Mr. J. Crerar: The reply is in the negative. I am not sure what the Honourable Member has in mind, but the orders to which he refers state expressly that they relate to fresh recruitment only and not to departmental promotions.

PAY OF SHUNTING TINDALS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

1264. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the grade of shunting tindals of Howrah Division was fixed at Rs. 20—2—32?

(b) Is it a fact that the pay of shunting tindals of Howrah goods has been reduced to Rs. 20? If so, why?

Mr. P. R. Rau: Government have no information.

RE-APPOINTMENT OF STRIKERS DISMISSED AT ONDAL AND ASANSOL, EAST INDIAN RAILWAY.

1265. ***Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the leading newspapers of Calcutta of the 7th of August, 1928, in connection with the East Indian Railway Agent's notification to the Lillooah staff regarding the reappointment of the Ondal and Asansol strikers?

(b) If so, will Government be pleased to state why the strikers of Ondal and Asansol have not been provided as yet?

(c) Is it fact that their posts have been filled up by new recruits? Do Government propose to take steps to reappoint those dismissed persons to their former posts?

Mr. P. R. Rau: (a) Yes.

(b) and (c). The Agent's undertaking was that the men who were dismissed at Ondal and Asansol would be re-engaged as vacancies occurred, and Government have no reason to believe that this is not being given effect to. I am sending a copy of the question and the reply to the Agent.

LEAVE RULES OF THE STAFF OF THE EAST INDIAN RAILWAY WORKSHOPS AT LILLOOAH.

1266. ***Mr. Amar Nath Dutt:** Will Government be pleased to state whether the leave rules and other privileges which are now in force in Lillooah power house, clerical staff, supervising staff of Lillooah and Jamalpore are allowed to the Lillooah workshop men? If not, why not?

Mr. P. R. Rau: I am making inquiries from the East Indian Railway and will communicate further with the Honourable Member on receipt of a reply.

PAYMENT OF MONTHLY WAGES TO THE WORKMEN IN THE LILLOOAH WORKSHOPS.

1267. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Jamalpore workshop men are monthly paid servants of the Railway?

(b) If so, will Government be pleased to state whether the Lillooah workshop men are daily wagers?

(c) Do Government propose to make them monthly paid servants? If not, why?

Mr. P. R. Rau: (a) Yes

(b) They are daily rated but paid monthly.

(c) The matter is under consideration.

NEGATIVE APPELLATION USED TO DESCRIBE CONSTITUENCIES OF MEMBERS OF THE LEGISLATURE.

1268. ***Mr. Amar Nath Dutt:** (a) Will Government state the reasons for adopting a negative description for the general constituencies of the Legislatures and describing special constituencies according to race or religion?

(b) Are Government aware that Indians belonging to general constituencies resent their description by a negative appellation with reference to a particular religion?

(c) Do Government propose to retain such description of general constituencies in the coming elections? If so, why?

(d) Are Government aware that such description is considered by those to whom it is applied, as an insult? If so, will Government be pleased to state whether it is deliberate?

The Honourable Mr. J. Orerar: (a), (b), (c) and (d) The attention of the Honourable Member is invited to the replies to his questions Nos. 522 and 748 which were given on the 26th February, 1924, and the 7th March, 1927, and the reply given to Mr Ranga Iyer's question No 92 on the 26th August, 1925. Government are not aware of the feeling of resentment referred to by the Honourable Member, and I think I need hardly assure him that no disparagement is intended. I am unable to say anything at present as regards the nomenclature which may be adopted for the various constituencies of the Legislature on any revision of the electoral roll.

NON-TRANSFER OF BABU NEPAL CHANDRA BANERJEE, ASSISTANT ACCOUNTANT, CALCUTTA GENERAL POST OFFICE.

1269. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Director General, Posts and Telegraphs, issued an order to the effect that all head clerks or clerks whose duty involved handling of cash and valuables and appointments should not be kept in that charge for more than three months?

(b) If so, will Government state the duties of the accountant and the assistant accountant of the Calcutta General Post Office so far as appointments are concerned?

(c) Will Government state for how long Babu Nepal Chandra Banerjee, assistant accountant, Calcutta General Post Office, has been working as such, or as an accountant in the accounts branch?

(d) Is it a fact that he was transferred by Mr. Wrenick, late Postmaster General, Bengal and Assam, in pursuance of the Director General's orders referred to above?

(e) Is it a fact that the order of transfer was subsequently cancelled? If so, why?

Mr. P. G. Rogers: (a) No.

(b) Does not arise.

(c) For four years and eight months.

(d) He was transferred under Mr. Wrenick's orders in the interests of the service

(e) No; it was merely held in abeyance for administrative convenience.

TRANSFER OF BABU J. C. BOSE, OF THE CALCUTTA CADRE OF THE POSTAL DEPARTMENT, TO JESSORE.

1270. ***Mr. Amar Nath Dutt:** (a) Is it a fact that Babu J. C. Bose of Calcutta cadre, though a senior official, has been transferred to Jessore and not Babu Charu Chandra Majumdar who is a much junior officer?

(b) If so, will Government be pleased to state the reasons for transferring a senior officer instead of a junior officer?

(c) Has Babu Charu Chandra Majumdar ever worked in a post office, doing actual post office work? If so, for how long? What is his duty now?

Mr. P. G. Rogers: (a) Babu J. C. Bose has been transferred to Khulna on promotion

(b) There are no rules according to which junior officers are transferred in preference to senior officers

(c) Yes, for over twelve and a half years; he is now one of the Assistant Postmasters of the Calcutta General Post Office

SHORT HOURS OF WORK OF CLERKS ATTACHED TO THE GENERAL CORRESPONDENCE DEPARTMENT OF THE GENERAL POST OFFICE.

1271. ***Mr. Amar Nath Dutt:** (a) How many clerks are attached to the general correspondence department of the General Post Office? What are the hours of attendance? Is it less than that of the Post Office clerks? If so, what are the reasons for such difference?

(b) Have the curtailed hours of attendance of the clerks attached to the correspondence department been authorised under the time test? If so, will Government please state the standard on which the present staff of the correspondence branch of the Calcutta General Post Office has been fixed?

(c) Is it a fact that the clerks attached to the correspondence department have got lighter work while the post office staff are overworked? Wherefrom is the major portion of clerks drafted in when extra staff is found necessary to do extra work on overtime payment?

Mr. P. G. Rogers: Government have no information. Inquiries are being made and the result will be communicated to the Honourable Member in due course

ISSUE OF NOTICES FOR TENDERS FOR INDIAN ARMY SERVICE CORPS CONTRACTS.

1272. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that notices and tenders for India Army Service Corps contracts are issued only to the approved contractors, whose financial status and antecedents are verified and reported satisfactory by the civil authorities?

(b) Is it a fact that contracts for the supply of firewood, charcoal, limequick and onions for the Delhi Independent Brigade Area have been given to a contractor at comparatively more enhanced rates than those offered by other contractors, ultimately resulting in a heavy loss to Government?

(c) Will Government be pleased to inquire into the matter and to state the extent of loss that Government will suffer through such a course?

(d) Is it a fact that notices and tenders for supply of firewood have not been issued by the Deputy Assistant Director of Supply and Transport, Delhi Independent Brigade Area, Delhi, to those contractors who are holding contracts for the supply of firewood up to the 31st March, 1929?

(e) If the facts stated above are correct, do Government propose to inquire into the matter and to take action against the officer concerned?

Mr. G. M. Young: (a) Yes

(b) The contract for onions has not yet been given out. The tenders accepted for the other contracts were not higher than the market rates.

(c) For the reason given in my answer to part (b), Government will suffer no loss

(d) Two such contractors have not received notices, because they have at various times supplied inferior articles with consequent loss to Government and detriment to the supply services

(e) Does not arise

EDUCATION OF MUHAMMADANS IN BALUCHISTAN AND THE NORTH-WEST FRONTIER PROVINCE

1273. **Mr. Muhammad Ismail Khan:** (a) With reference to the announcement of the Education Secretary to the Government of India, made in the Legislative Assembly on the 18th September, 1928, regarding the appointment of a committee to inquire into the existing facilities for primary education for boys and girls and for untouchables in the areas under the direct control of the Government of India, will Government be pleased to state when the committee will begin to function and which areas the committee will tour?

(b) Will Government be pleased to state what is the percentage of literacy in Baluchistan and the North-West Frontier Province and how does this percentage compare with the more advanced provinces of Bangalore and Coorg and the areas of Delhi and Ajmer-Merwara? Is it a fact that while Muhammadans predominate in the former, non-Muhammadans predominate in the latter?

(c) Will Government be pleased to state what action, if any, they are taking to bring the education of Muhammadans in Baluchistan and the North-West Frontier Province in line with the more advanced areas under the direct control of the Government of India like Bangalore?

(d) Will Government be pleased to state if the Education Secretary's announcement, referred to in part (a), includes an inquiry into the conditions of education of backward classes, that is, Muhammadans, in the areas directly under the control of the Government of India like the North-West Frontier Province and Baluchistan, and will the committee suggest and provide special facilities for their education?

Mr. G. S. Bajpai: (a) It is hoped that the Committee will start work early in the new financial year. It will tour in the North-West Frontier Province, Ajmer-Merwara and Delhi.

(b) A statement giving the information asked for in the first part of the question is laid on the table. It is true that, in Baluchistan and the North-West Frontier Province, Muhammadans preponderate; in the other areas mentioned by the Honourable Member non-Muslims form the majority.

(c) As the Honourable Member is probably aware, a five-year programme was introduced in 1927-28 for the expansion of education in the territories directly administered by the Government of India. The total additional expenditure provided in this programme for Baluchistan and the North-West Frontier Province amounts to Rs. 18,57,380 non-recurring and Rs. 1,87,986 in the first year rising to Rs. 5,15,468 in the fifth year recurring, as compared with Rs. 8,41,351 and Rs. 1,52,038 rising to Rs. 4,37,238 recurring for the other areas mentioned by the Honourable Member. As the population of Baluchistan and the North-West Frontier Province is largely Muhammadan, it is hoped that the five-year programme will benefit Muhammadans materially.

(d) The Committee will inquire into the conditions of primary education of all classes of the population in the three areas mentioned in (a) above and will make recommendations. Baluchistan is to be excluded from the scope of the proposed inquiry because of the nomadic character of its population.

Comparative statement showing the percentage of literacy in certain administered areas.

Area.	Male.	Female.	Total (males and females).
Baluchistan	10.9	1.5	7.2
North-West Frontier Province	6.3	0.9	3.9
Bangalore	35.7	14.8	25.6
Coorg	18.9	5.0	12.6
Delhi	16.1	3.4	10.7
Ajmer-Merwara	16.6	2.3	10.0

REPORTED REDISTRIBUTION OF PROVINCES RECOMMENDED IN A MEMORANDUM OF THE GOVERNMENT OF INDIA TO THE SIMON COMMISSION.

1274. ***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to a report published in the *Hindustan Times*, dated the 14th March, 1929, regarding the memorandum of the Government of India before the Simon Commission?

(b) Is the outline of the policy regarding the redistribution of provinces mentioned in the Report substantially correct?

(c) Will Government be pleased to lay a copy of the memorandum on the table?

The Honourable Mr. J. Orerar: (a) Yes.

(b) and (c). A copy of the introductory note on claims which have been made to redistributions of provincial territories on a racial or linguistic basis supplied to the Indian Statutory Commission by the Government of India has been placed in the Library, and the Honourable Member will be able to acquaint himself at first-hand with its contents.

HIGH TELEPHONE CHARGES IN CALCUTTA.

1275. ***Mr. K. C. Neogy:** (a) Have Government received any complaint regarding telephone charges in Calcutta? If so, do Government propose to take any action to bring about a reduction?

(b) Are Government aware that the telephone charges in Calcutta are higher than those in London?

(c) Are Government aware that, since the introduction of the message rate system, some business houses are paying as much as Rs. 1,000 per line per annum?

(d) Did the Bombay Telephone Company at any time propose the introduction of the message rate system in Bombay? Was this proposal turned down by the Government of India? If so, why?

(e) Are Government aware that the Bengal Telephone Corporation is virtually paying 22½ per cent dividend on its original ordinary capital, after setting aside a good sum for depreciation, reserve fund and a sinking fund for its debenture loan?

(f) Are Government prepared to consider the advisability of taking over the concern as soon as the present agreement with the Company expires?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes The matter has been carefully considered by the Government of Bengal, by whom it has been explained to the Telephone Subscribers' League, Calcutta, that no compulsory reduction of the charges levied by the Bengal Telephone Corporation, Limited, is feasible The Government of India do not propose at present to take any action in the matter.

(b) Yes

(c) Government are not in possession of particulars of individual bills the amounts of which depend on the use made of the service.

(d) Yes The charges proposed by the Bombay Telephone Company were not introduced. The proposal was examined by a Committee appointed to investigate the matter, and it was found that there was no agreement between the commercial community of Bombay, the Bombay Telephone Company and the Government of Bombay. A modified scale of charges suggested by the Chairman of the Committee, with the concurrence of the other official members, was not acceptable to the Bombay Telephone Company, and the Government of Bombay decided that the proposal of the Company should, for the present, remain in abeyance. The Government of India endorsed this decision.

(e) An examination of the latest balance sheet of the Bengal Telephone Corporation, Limited, by the Government of Bengal, shows that the dividends paid by the Company have not exceeded 7½ per cent. in any year between 1922-23 and 1926-27.

(f) Government are unable to make any statement on the subject at this stage.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware of the fact that there is universal discontent in Calcutta, at the exorbitant rates charged by the Bengal Telephone Company, and that the residents of Calcutta and other places are at times most exorbitantly and unfairly taxed for their telephones?

The Honourable Sir Bhupendra Nath Mitra: Apparently there is some grievance on the subject; that is the reason why the Telephone Subscribers' League addressed the Bengal Government in the matter.

Mr. K. C. Neogy: With reference to the answer to clause (e) of my question, will the Honourable Member kindly examine the balance sheet himself?

The Honourable Sir Bhupendra Nath Mitra: I shall try to do so, Sir. But I can only act on the information disclosed by the balance sheet, and not on any inside information which may be in the possession of my Honourable friend

Mr. K. C. Neogy: Will the Honourable Member kindly make inquiries and find out whether it is not a fact that bonus share scrips have actually been distributed to the original share-holders without any payment, with the result that the dividend works out at a less figure than it actually is?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member apparently possesses more information than I have been able to get so far.

NUMBER OF INDIANS HOLDING TEMPORARY COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

1276. ***Mr. K. C. Neogy:** (a) What is the present number of officers holding temporary commissions in the Indian Medical Service, and what proportion do they constitute of the total number of officers in the Indian Medical Service working in the Army? How many of these temporary officers are Indians?

(b) For how many years has this temporary cadre been in existence and how long is it likely to continue?

(c) What are the terms and conditions on which these temporary officers are employed, and how do these terms and conditions differ from those governing the employment of permanent officers, and officers who are recruited in England on special short term contracts for the Indian Medical Service?

(d) Is any maximum period fixed for the employment of temporary officers in the Indian Medical Service? If so, what, and for what reasons?

(e) Do these temporary officers get any gratuity or bonus or provident fund benefits when they have served the maximum period permissible and are discharged? If not, why not?

(f) What bonus or gratuity or provident fund benefits are permanent officers and British short term officers in the Indian Medical Service entitled to on retirement after serving for short periods? When were these gratuity benefits extended to permanent officers in the Indian Medical Service, and for what reasons?

Mr. G. M. Young: (a) 116 or roughly 30 per cent. All are Indians.

(b) Since October 1914. It is likely to continue until the full strength of permanent officers has been recruited.

(c), (d), (e) and (f). The Honourable Member is referred to the answer which I gave on the 2nd September, 1927, to Diwan Chaman Lal's question No. 806 and to supplementary questions. Also to Mr. Gaya Prasad Singh's unstarred question No. 108, dated the 16th February, 1928. I should, however, repeat that there are no special contract terms granted to British candidates for the Indian Medical Service, but all officers, whether British or Indian, appointed permanently to the Indian Medical Service have the option of retiring on gratuity after 6 or 12 years' service instead of serving on for pension.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether he is prepared to apply the same terms of service and bonus to Indian temporary I. M. S. officers? To explain myself better, will the Honourable Member consider favourably the suggestion that Indian temporary I M S officers be allowed the option of continuing their service or getting a bonus at the end of six years' service, instead of terminating their service after five years or so?

Mr. G. M. Young: I do not think I have altogether followed that proposal. Temporary I M S officers serve on yearly contracts, which are renewed from year to year. There is no question of their services being terminated, as these permanent officers' services can be terminated, at their option on a gratuity.

Lieut.-Colonel H. A. J. Gidney: With reference to that answer, Sir, and considering the fact that the temporary I M S. has been in existence for fifteen years, and also the fact that permanent I M S officers come on a six years' contract, will the Government consider recruiting temporary I. M S officers not on yearly contracts, renewable from year to year, but on similar terms of six years' service?

Mr. G. M. Young: Government do not propose to do so, Sir, for the simple reason that these temporary officers do not possess the same high qualifications as officers recruited to the permanent service.

Lieut.-Colonel H. A. J. Gidney: Do these temporary officers do the same professional services as those of the permanent service? And do their annual confidential reports convey the impression that they do their work as efficiently? If so, will the Government re-consider their refusal of equal treatment.

Mr. G. M. Young: If the Honourable Member will wait till my answer to the next question, he will get his answer.

QUALIFICATIONS FOR PROMOTION TO PERMANENT COMMISSIONS OF TEMPORARY INDIAN OFFICERS IN THE INDIAN MEDICAL SERVICE.

1277. ***Mr. K. C. Neogy:** (a) What opportunities have the temporary Indian officers in the Indian Medical Service, for being granted permanent commissions, and what considerations and qualifications determine their selection for permanent commissions?

(b) Do British educational qualifications in these temporary officers in the Indian Medical Service constitute a preferential claim for being made permanent?

(c) Are the temporary officers in the Indian Medical Service granted any leave for going to England for further study?

(d) Is it a fact that temporary officers of the Indian Army are granted leave very much like regular officers? Are temporary officers in the Indian Medical Service treated differently from temporary officers of the Indian Army? If so, in what respects and for what reasons?

(e) Is it a fact that Indian temporary officers in the Indian Medical Service with Indian educational qualifications, are given command and second in command appointments of military hospitals, and generally discharge their duties in these capacities satisfactorily?

Mr. G. M. Young: (a) Temporary officers are eligible for permanent commissions in the Indian Medical Service if they are within the age-limit of 32 and possess the necessary qualifications. For the latter portion of this question and part (b) the Honourable Member is referred to the answer which I gave on the 1st September 1927 to Mr. B. Das's starred question No. 761, and the supplementary question.

(c) No, Sir.

(d) There are no temporary officers of the Indian Army.

(e) The officers referred to occasionally hold charge of smaller hospitals. They have not the seniority to hold charge of the larger ones. I am informed that, on the whole, these temporary officers perform duties which are required of them satisfactorily.

NUMBER OF NON-INDIANS RECRUITED FROM ENGLAND ON SHORT TERM CONTRACTS FOR THE INDIAN MEDICAL SERVICE.

1278. ***Mr. K. C. Neogy:** (a) How many non-Indians have been recruited from England on short term contracts for the Indian Medical Service, up-to-date, and on what terms? What tests do the authorities employ for finding out their competence before appointment?

(b) Are they given regular commissions though they serve for a short period? If so, why?

(c) Are they eligible for re-employment in the Indian Medical Service after completing their period of contract? If so, on what terms? How many have been so re-employed?

(d) How many have been recruited in England as permanent officers in the Indian Medical Service since July 1915, and what tests had they to satisfy as to their competence before such recruitment?

Mr. G. M. Young: (a), (b) and (c). As I have already explained several times in this House, no officer is engaged on a short-term contract, but all officers, European or Indian, now appointed to permanent commissions in the Indian Medical Service, have the option of terminating their service after 6 or 12 years, in which case they receive a gratuity instead of a pension.

(d) The number of permanent officers recruited in England since July 1915 is 199. British officers appointed since 1922 and Indian officers appointed since 1926 have the option of retiring on gratuities. The qualifications and tests required are contained in the memorandum regarding the appointment to and conditions of service in His Majesty's Indian Medical Service. Copies of this memorandum will be placed in the Library.

Lieut.-Colonel H. A. J. Gidney: In view of the difficulty in obtaining permanent I. M. S. officers from England, will the Government consider favourably the desirability of restoring recruiting into the Indian Medical Service by open competition again?

Mr. G. M. Young: Sir, the question of restoring open competition is one which is always before the Government of India

Lieut.-Colonel H. A. J. Gidney: How long will this continue to remain before the Government of India, Sir, considering that this state of affairs has been going on since 1914?

Mr. G. M. Young: I wish, Sir, I could answer that question.

DIFFERENCE IN RULES FOR DAILY ALLOWANCE OF MEMBERS OF THE
COUNCIL OF STATE AND LEGISLATIVE ASSEMBLY.

1279. ***Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state why there is a difference in the number of days of residence for which daily allowance is permissible in New Delhi before the commencement of the Session in the case of the Council of State and the Legislative Assembly?

The Honourable Mr. J. Orerar: The difference is due to a self-denying decision reached by the Assembly in 1923

RECOGNITION OF INSTRUCTION GIVEN IN THE MACLAGAN ENGINEERING
COLLEGE, LAHORE, FOR THE PURPOSE OF APPOINTMENTS IN GOVERN-
MENT SERVICES.

1280. ***Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state if the MacLagan Engineering College, Lahore, is recognised by the Government and the Public Service Commission as sufficiently instructive for purposes of electrical and mechanical engineers' appointments in Government services? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member is referring to the higher gazetted appointments, the answer is in the negative. The qualification usually required for such appointments is the Associate Membership of the Institution of Engineers (India) and that Institution has not yet recognised the examinations of the MacLagan Engineering College, Lahore, as exempting candidates from the Associate Membership examination

Lieut.-Colonel H. A. J. Gidney: In view of the fact, Sir, that the College in Lahore is also officered by a very high standard of efficient professors, will Government consider the advisability of raising the standard of instruction so that this institution can produce officers of the type required for these superior services?

The Honourable Sir Bhupendra Nath Mitra: The College itself is not under the control of the Government of India

Lieut.-Colonel H. A. J. Gidney: I know it is under Provincial Government control; but it supplies candidates for certain Government of India Services. In view of this fact, will Government consider the advisability

of suggesting to the Provincial Government that they should raise its standard so that its students will be recognised for all Government of India Engineering Departments.

The Honourable Sir Bhupendra Nath Mitra: No, Sir. The Government of India see no reason to interfere in the matter.

RECOMMENDATIONS OF THE HARTOG COMMITTEE.

1281. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Hartog Committee's Report as published in the *Hindustan Times*, dated the 16th March, 1929, has been signed and is ready, and is its forecast substantially correct as published in the *Hindustan Times*?

(b) Is it correct that the Report recommends separate communal reservation of seats in educational institutions, in the separate hostels, and appointment of teachers on a communal basis?

The Honourable Mr. J. Oserar: (a) and (b). Government do not know whether the Report has been signed, and have no knowledge of its contents.

COST OF MILITARY ECCLESIASTICAL ESTABLISHMENTS.

1282. ***Mr. Siddheswar Prasad Sinha:** (a) What is the cost of maintaining the military ecclesiastical establishment in the Military Department?

(b) Is any Pandit, Mullah or religious man kept by the Military Department for the discharge of religious duties of soldiers of any other faith except Christians? If not, why not?

Mr. G. M. Young: (a) The Honourable Member is referred to the answer given by Sir George Rainy on the 28th January to parts (c) and (d) of starred question No. 57.

(b) I would invite the attention of the Honourable Member to the reply which I gave on the 22nd March, 1927, to starred question No. 1108.

PRINCIPLE OF ALLOCATION OF FUNDS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

1283. ***Mr. B. Das:** (a) Will Government be pleased to state the principles that govern and guide allocation of funds to Provincial Governments on account of administration of Agency subjects?

(b) Will Government be pleased to state which of the provinces at present administer Agency subjects on behalf of the Central Government?

The Honourable Sir George Schuster: (a) The Honourable Member is referred to rules 47 and 48 of the Devolution Rules.

(b) All the provinces

EXPENDITURE INCURRED BY THE GOVERNMENT OF BIHAR AND ORISSA ON THE ADMINISTRATION OF CERTAIN AGENCY TRACTS AND NATIVE STATES.

1284. ***Mr. B. Das:** (a) Is it not a fact that the Government of Bihar and Orissa administer Agency tracts such as Angul and Khendmal and the Santal Pargannas on behalf of the Government of India?

(b) Is it not a fact that the Government of Bihar and Orissa administer, through their Secretariat, certain Indian States on behalf of the Political Department of the Central Government?

(c) Will Government be pleased to state the amount of expenditure incurred by the Government of Bihar and Orissa annually on these two heads?

(d) Did the Government of Bihar and Orissa put in their claims for reimbursement of this expenditure up to date at any time?

The Honourable Mr. J. Orerar: (a) No, Sir. The Districts of Angul and the Santhal Parganas are being administered as "backward tracts" under sub-section (2) of section 52A of the Government of India Act, and in this connection I would refer the Honourable Member to the Reforms Office notification No. 4-G, dated the 3rd January, 1921, which is printed at pages 261-263 of the publication entitled "The Government of India Act, with Rules and notifications thereunder."

(b) Yes.

(c) and (d) The revenue and expenditure of the "Backward tracts" referred to in (a) of my reply are provincial, and the question of reimbursement of expenditure to the Government of Bihar and Orissa does not arise.

The expenditure on account of the Political Agents, Orissa Feudatory States, and their establishments, etc., is borne by the Central Government. A provision of Rs. 1,18,000 has been made in the budget estimate for 1929-1930 on this account, *vide* page 791 of the book of Demands for Grants for 1929-1930. The amount debitable to the Central Government for the work done by the provincial establishments on this account is negligible, and the Bihar and Orissa Government have, therefore, not put in any claim on this account.

Diwan Chaman Lall: May I ask, Sir, if the Government have any intention of giving effect to the Resolution passed by this House regarding the administration of the Santhal Parganas?

The Honourable Mr. J. Orerar: Will the Honourable Member be good enough to repeat his question?

Diwan Chaman Lall: Has Government any intention of giving effect to the Resolution passed by this House regarding the administration of Santhal Parganas?

The Honourable Mr. J. Orerar: I do not think that that arises out of this question.

PAYMENT TO PROVINCIAL GOVERNMENTS OF EXPENDITURE INCURRED BY THEM ON BEHALF OF THE GOVERNMENT OF INDIA.

1285. ***Mr. B. Das:** (a) Will Government be pleased to state if they have any existing machinery—something like the Clearing House of the railways—by which the Central Government pay up voluntarily any expenditure incurred by a Provincial Government on their behalf?

(b) If the reply to part (a) be in the negative, do Government propose to make a beginning in that direction?

The Honourable Sir George Schuster: (a) There is no special machinery such as the Honourable Member appears to have in mind.

(b) Government do not consider that any such special machinery is necessary. Provincial Governments cannot be allowed to incur expenditure on account of the Central Government without the authorisation of the latter, and the existing arrangements for the liquidation of acknowledged liabilities work satisfactorily and have, so far as I am aware, given rise to no complaint.

Sir Darcy Lindsay: Sir, I have received a letter from Mr Arthur Moore authorising me to put his question No. 1287.

Mr. President: I cannot allow the Honourable Member to put the Question unless his turn comes.

PROVISION OF MATERNITY HOMES AND WOMEN'S HOSPITALS IN COAL-FIELDS

1286. ***Mr. B. Das:** (a) Will Government be pleased to state how many maternity homes and women's hospitals at present exist in the different coalfields in India?

(b) Is it not a fact that one of the decisions of the International Conference of Labour at Geneva was that each national Government should provide hospitals and maternity homes in the coalfield zones for women workers?

(c) Will Government be pleased to state what steps they are taking to compel the Provincial Governments concerned and the employers of women labour to establish such women's hospitals and maternity homes in the different coal zones?

The Honourable Sir Bhupendra Nath Mitra: (a) The information available regarding maternity benefit schemes in the coalfields will be found on pages 8—11 of Bulletin No. 32 of Indian Industries and Labour, a copy of which will be found in the Library of the House.

(b) The answer is in the negative.

(c) The Government of India do not propose to interfere in the matter which is primarily the concern of Local Governments.

PROVISION OF PARACHUTES FOR THE ROYAL AIR FORCE IN INDIA.

1287. ***Sir Darcy Lindsay** (on behalf of Mr. Arthur Moore): Are Government aware that:

(a) It is an order in the Royal Air Force that no pilot shall go up without a parachute?

(b) That parachutes are not ordinarily provided for the Royal Air Force whilst serving in India?

Mr. G. M. Young: (a) The order referred to by the Honourable Member is as follows:

"All occupants of aircraft in which facility is afforded for the use of parachutes will wear them at all times when flying".

(b) Four squadrons are equipped with aeroplanes which carry parachutes and four are not. These squadrons are, however, being re-equipped with modern aircraft designed to provide accommodation for parachutes.

PAYMENT OF TRAVELLING ALLOWANCE AND HOUSE-RENT TO THE CLERICAL STAFF OF THE MEERUT DISTRICT MILITARY HEADQUARTERS.

1288. *Mr. B. Das: (a) Is it a fact that the clerical staff of the Meerut District Military Headquarters and other military offices is taken to Ranikhet every year by a special military tour train? If so, does this not contravene the Civil Service Regulations on that point? Is not travelling allowance allowed to the clerical staff for the journey?

(b) What accommodation have Government made for the lodging of the Indian clerical staff at Ranikhet? Has this staff to shift for itself for lodging accommodation on the hill? Do Government give this staff any special or hill allowance to enable them to cover the extra expenditure incurred in their sojourn at Ranikhet?

(c) Is it a fact that Ranikhet, being a hill station, is a more costly place than Meerut? Is it not a fact that, at Ranikhet, temporary lodgers like this clerical staff have to pay house-rent for the whole year? Is it not a fact that it is an extra burden on them to pay rent for the whole year at Ranikhet as well as Meerut?

Mr. G. M. Young: (a) As a measure of economy I understand that the clerical staff was sent part of the way by troop train last year. For the rest of the journey they drew the ordinary travelling allowance. This does not contravene any rule in the Civil Service Regulations.

(b) Government provide no accommodation for the clerks in question either at Meerut or Ranikhet, nor are any hill allowances admissible under rule.

(c) Any hill station is more expensive than a plain station and the rents charged during the hot weather are generally assessed on the value of the house for the full year. Such disadvantages are, however, balanced by the amenities of a hill station. The personnel in question were presumably aware of the conditions before they accepted their appointments.

APPROXIMATE AGES OF COWS AND BULLS SLAUGHTERED FOR MILITARY FOOD.

1289. *Mr. Siddheswar Prasad Sinha: (a) With reference to the speech delivered by H. E. the Commander-in-Chief in the Council of State on the 25th February last, will Government be pleased to state what is meant by "Not a milch cow"? Is it a dry cow or a barren cow?

(b) Are Government aware that, in big cities like Calcutta, Bombay, etc., cows, though capable of bearing calves, are sold very cheap when dry?

(c) How do Government vouchsafe that the class of cows mentioned in part (b) are not slaughtered for supply of beef to the Commissariat?

(d) Will Government be pleased to state the approximate age of cows and bulls slaughtered for military food in any one year?

Mr. G. M. Young: (a) The term "milch cow" strictly means only a cow which is in calf or has young at heel. But the point of argument in the speech referred to by the Honourable Member is that practically no cows,

capable of bearing calves and giving milk, are tendered for slaughter in military butcheries for the simple reason that such cows are, as a rule, too valuable to be sold for beef.

(b) No, Sir.

(c) Government cannot absolutely prevent the slaughter of such cows, as the officers who buy for the slaughter house cannot test the cows for barrenness. But the number of such cows sold at the butcheries must be very small.

(d) The information is not available, but no bulls whatever are slaughtered. Cows are purchased approximately between the ages of 3 and 9 years.

OPINION OF MEDICAL AUTHORITIES ON THE SUITABILITY OF BEEF AS FOOD FOR TROOPS.

1290. ***Mr. Siddheswar Prasad Sinha:** With regard to the statement of H. E. the Commander-in-Chief that "Not only is it essential food but is the food which the medical authorities have decided is the most suitable to him" will Government be pleased to lay on the table of the House the opinions referred to?

Mr G. M. Young: The answer is in the negative. It is however a fact that the medical authorities of the Army consider beef an essential diet for the British soldier. This opinion is based partly upon experience and partly on tests carried out at the Military Food Laboratory, Kasauli, where beef has been shown on analysis to have a higher nutritive value than mutton.

COST WHICH WOULD BE INCURRED BY IMPORTING FULL REQUIREMENTS OF BEEF FOR MILITARY PURPOSES.

1291. ***Mr. Siddheswar Prasad Sinha:** (a) If all the requirements of beef are met from imported beef, will Government be pleased to state the initial and recurring cost of cold storage plants that would be required to preserve it?

(b) What would be the total difference in cost between imported beef and country beef?

(c) How is imported beef preserved at present?

(d) Will Government be pleased to place Lord Rawlinson's scheme for importing beef from Australia in the Library of the House?

Mr. G. M. Young: (a) The extra cost of establishing cold storage warehouses at the ports and in every cantonment in which there are British troops, together with the cost of special refrigerator railway cars has not been worked out. It would, however, obviously be prohibitive.

(b) The Honourable Member is referred to the answer I gave on the 19th March to his starred question No. 1185.

(c) The only beef imported at present is a small quantity of tinned beef.

(d) Lord Rawlinson, so far as I am aware, had no such scheme.

SHORT NOTICE QUESTION AND ANSWER.

DEMOLITION OF A TEMPLE AT SARADHNA ROAD ON THE NORTH WESTERN RAILWAY.

Mr. Mukhtar Singh: (a) Is it a fact that there is a Hindu temple which has been in existence for a very long time at Saradhna Road (Danrala), Meerut District, on the North Western Railway?

(b) Is it a fact that the Railway has decided to demolish this temple, but on account of the interference of the District Magistrate, the demolition was stopped and the matter was referred to the Railway authorities?

(c) Is it a fact that the Railway authorities have again decided that the temple be demolished?

(d) Is it a fact that, in accordance with the recent orders, the temple is going to be demolished very soon?

(e) Is it a fact that the Hindus of Saradhna Road and of the adjoining villages are very much perturbed, and there is a likelihood of a breach of the peace on account of these orders?

The Honourable Sir George Rainy: (a) No; but it appears there is a praying platform about eighteen inches high, which appears to have been built since 1919.

(b) If the Honourable Member refers to this platform, the answer is in the affirmative

(c) and (d). I understand no final decision has been arrived at.

(e) Government have no information, but in view of the explanation given above, this seems unlikely

Mr. Mukhtar Singh: Is it a fact, Sir, that there was an inquiry made some 20 years back, and it was found that the temple existed there long before and it was accordingly decided not to demolish it?

The Honourable Sir George Rainy: No, Sir, it is not a temple. It is only a praying platform, and our information is that it has been erected there since 1919.

Mr. Mukhtar Singh: Is it a fact that the Government made an inquiry some 20 years back and it was found that the temple had remained there for a very long time?

The Honourable Sir George Rainy: That, Sir, is not in accordance with my information.

Mr. Mukhtar Singh: Is it a fact that the map kept in the office of the Railway shows this to be a temple and it has always been shown as such in the map prepared under the direct authority of the Railway?

The Honourable Sir George Rainy: I have no information which would confirm that, Sir.

Mr. Mukhtar Singh: Will the Honourable Member kindly inquire into the matter and see whether the map shows it as a temple?

The Honourable Sir George Rainy: The information I have received is at variance with the information which the Honourable Member has, but I will certainly make inquiries and see if there is any possibility of a mistake.

UNSTARRED QUESTIONS AND ANSWERS.

RULES FOR RESIDENCE IN CONNECTION WITH THE GRANT OF LAND IN CANAL COLONIES TO EX-MILITARY MEN.

373. Mr. Abdul Haye: (a) Are Government aware that soldiers and ex-military men who have been granted land in the canal colonies of the Punjab are required to reside permanently in the *chak* in which land is allotted to them?

(b) Are Government aware that this condition is being insisted upon very strictly to the great hardship and inconvenience of the military grantees who have also interests and commitments elsewhere?

(c) Were the Government of India and the military authorities consulted in this matter and was this condition imposed after their approval and concurrence?

(d) Is it a fact that the land usually allotted to a grantee is either one square or half of a square only? In the case of such small grants why is the condition about permanent residence imposed and insisted upon?

Mr. G. M. Young: (a) Ex-soldiers are required to reside permanently on their grants, but soldiers who are still serving are of course, not required to do so.

(b) The condition was accepted by the grantees before they were given the land, and Government see no reason why it should cause hardship, or why it should not be enforced. No grantee is obliged to retain possession on conditions that he does not like, and I can assure the Honourable Member that there are plenty of men who would be willing to accept land on any conditions.

(c) Yes

(d) Indian officers were allotted $1\frac{1}{2}$ squares, and other ranks 1 square. The condition of residence was imposed by the Local Government in the interests of colonization, and was accepted by the Government of India for the same reason

GRIEVANCES OF THIRD CLASS RAILWAY PASSENGERS.

374. Mr. Jamnadas M. Mehta: (a) Is it a fact that the Railway Board invited the opinion of the Great Indian Peninsula Railway Administration on the subject of removing the grievances of the third class passengers?

(b) Is it true that the Chief Traffic Manager of the Railway, before dealing with the subject, had invited Mr. Jivraj G. Nensey and Khan Bahadur P. E. Ghamat, Honorary Joint Secretaries of the Passengers' and Traffic Relief Association, Bombay, to offer suggestions in the matter?

(c) Will Government be pleased to state whether those recommendations have been received by them, and, if so, what action do the Railway Board propose to take and, when?

(d) Have the Railway Board likewise called for suggestions from other Railway Administrations, and Local Advisory Committees thereof? If so, will Government be pleased to name them, and state how far their recommendations could be met?

(e) Will Government be pleased to state whether the views of the Passengers' Associations in Bombay, Belgaum, Calcutta and Madras were called for by the Railway Board? If not, why not?

Mr. P. R. Rau: I would refer the Honourable Member to the reply given to an identical starred question No 1081 put by my Honourable friend, Mr. Birla, on the 18th March, 1929.

INTRODUCTION OF A BILL FOR THE PROTECTION OF THE PLYWOOD INDUSTRY.

375. **Mr. T. A. Chalmers:** (a) Do Government propose to proceed with the Plywood Industry (Protection) Bill during the life of this Assembly?

(b) If so, will Government publish or lay on the table a copy of the Evidence Volume referred to on pages 25 and 28 of the Tariff Board Report on this subject?

The Honourable Sir George Rainy: (a) Before proceeding further with the Bill, Government considered it desirable to investigate fully the question whether it was possible to give the assistance required for the manufacture of plywood tea chests in India without imposing an additional burden on the tea industry. It was found that certain practical difficulties would have to be faced, but these, it is hoped, can be overcome. Government will address the Indian Tea Association on the subject at an early date, and their final decision will depend on the answer they receive.

(d) The Evidence Volume was published on the 5th September, 1928, and copies were, as usual, placed at the time in the Council Library.

REFUND BY RAILWAY AUTHORITIES OF THE SURCHARGE TAX LEVIED ON COTTON SEED AND OIL-CAKE.

376. **Pandit Thakur Das Bhargava:** (a) Is it a fact that some merchants of Southern India sued the South Indian Railway and the Secretary of State for India for refund of surcharge tax levied on cotton seed in Sattur Court and got a decree in September, 1923?

(b) Is it a fact that after that decree was passed, many merchants filed suits and the Railway Board, applying Article 96 of the Indian Limitation Act, ordered refunds without contesting these cases (for reference please see letter No. 877, dated 20th June, 1925)?

(c) Is it a fact that the Government of India ordered the Great Indian Peninsula Railway also in 1926 to refund monies illegally received as surcharge tax on cotton seed and oilcake intended to be used as fodder, and several lakhs of rupees were refunded even in 1927 and the Article of the Limitation Act even then applied was 96?

(d) Is it a fact that the Government of India also instructed the North-Western Railway authorities to refund the surcharge-tax illegally levied on cotton seed and oilcake intended to be used as fodder in 1926, and also went to the length of arranging inquiries from merchants and providing establishment for purposes of making such refund?

(e) Is it a fact that subsequent to this Government were legally advised to resist such cases on the score of limitation and the Railway administration practically refused to refund monies illegally levied, under the cover of the plea of limitation?

(f) Is it a fact that there was a conflict of opinion between the legal advisers, one set insisting that Article 96 applied, and the other maintaining that Article 2 applied?

Mr. P. R. Rau: (a) and (b) Yes.

(c) and (d) It is a fact that the Great Indian Peninsula and North Western Railways refunded considerable amounts on account of certain surcharge taxes, taking special steps to make inquiries from merchants

(e) Subsequently Government were legally advised to resist all claims for a refund of these surcharge taxes

(f) Yes The Madras High Court have, however, since ruled, in the case of A. M. Appavoo Chettiar *vs* the South Indian Railway, that the plaintiff is not entitled to a refund of the surcharge taxes collected.

REFUND BY THE RAILWAYS OF THE SURCHARGE TAX LEVIED ON COTTON SEED AND OIL-CAKE USED AS FODDER.

377. Pandit Thakur Das Bhargava: (a) Is it a fact that claims to the extent of more than 15 lakhs were preferred to the Bombay, Baroda and Central India Railway, North Western Railway, Jodhpur Railway, Bikaner Railway, and the Saharanpur-Shahadra Railway administrations by the Punjab merchants and merchants of other places?

(b) Is it a fact that the Saharanpur-Shahadra Railway and the Jodhpur Railway authorities inspected the account books of the merchants in 1927, sent them railway passes to come forward to prove their claims and wrote as late as 1928 also to the merchants that they were waiting for results of test cases against the North-Western Railway?

(c) Have any test cases been brought by merchants and has any ultimate decision been given by any High Court on the point of limitation involved?

(d) Have Government arrived at any final decision regarding the monies which Government said were retained by them in reply to Question No. 742 asked in the Assembly on the 7th March, 1927, by Sardar Kartar Singh?

(e) Are Government aware that a great feeling of discontent and uneasiness exists in the public mind on account of Government not refunding the money (illegally recovered) under the plea of limitation?

(f) Is it a fact that at the time the surcharge tax was levied, the Railway Board did not define fodder as including oilcake and cotton seed and merchants could not know if such commodities were included in the word 'fodder' and this mistake was not discovered by the merchants before 1927?

(g) Is it a fact that the practice of Government in such cases has been one of leniency and fair-dealing and Government have compromised suits when the plea of limitation was open to them and even now the instructions to certain Railways in such matters are based on the consideration that limitation plea, though available, should not be availed of by Government and public bodies to defeat just claims?

(h) Do Government propose to apply the above-mentioned principle to the case for refund of surcharge tax?

Mr. P. R. Rau: (a) Claims were received by these Railways, but Government are not aware of the exact amount.

(b) Government have no information

(c) Yes. The Madras High Court decided, in the case of A. M. Appavoo Chettiar *vs.* the South Indian Railway, that the plaintiff was not entitled to a refund of the surcharge taxes collected

(d) Government have decided to make no refunds of the surcharge taxes collected.

(e) Government are not aware of any feeling of discontent or uneasiness in the public mind on account of the refunds not having been made.

(f) At the time the surtax was levied, railways advertised which commodities came under the head of fodder, and these did not include oilcake and cotton seed.

(g) The practice of Government in such cases depends upon the facts, and each case is considered independently

(h) Government propose to act in these cases according to the latest decision given in the Madras High Court.

PUBLICATION OF INFORMATION SUPPLIED TO MEMBERS IN FULFILMENT OF PROMISES MADE IN REPLY TO QUESTIONS IN THE ASSEMBLY.

378. Pandit Thakur Das Bhargava: (a) Are the replies promised to be given by Government members to the questions of the Members of the Assembly supplied to all the Members or only to the Member putting the question?

(b) Are such replies made available to the public at large by publication by way of appendix or addenda to the Assembly Debates?

(c) If the answer be in the negative, do Government propose to take steps to publish the replies and the information subsequently supplied to the Member putting the question?

The Honourable Mr. J. Orerar: (a) If replies are promised to individual Members, they are supplied to such Members only

(b) and (c) The reply is in the negative

PROVISION OF LATRINES IN SERVANTS' COMPARTMENTS ON STATE RAILWAYS.

379. Pandit Thakur Das Bhargava: (a) Are Government aware of the great inconvenience caused to the servants, specially maid servants of the 1st and 2nd class travellers on all the railway lines on account of the absence of latrines in the servants' compartments?

(b) Do Government propose to provide such latrines?

Mr. P. R. Rau: (a) and (b) Government are aware of the inconvenience, and steps to mitigate it are under consideration.

CONSTRUCTION OF THE BHIWANI-ROHTAK RAILWAY.

380. Pandit Thakur Das Bhargava: (a) Will Government be pleased to state why they have postponed the construction of the Bhiwani-Rohtak line and revised their previous decisions as disclosed in reply to question No. 450 asked by me on the 26th March, 1928?

(b) By what time do Government now hope to complete the construction of the said line?

Mr. P. R. Rau: (a) In pursuance of the policy of concentrating efforts on the completion of constructions already commenced, instead of scattering the available funds over a large number of constructions, Government have found it necessary to postpone the commencement of this line.

(b) I would refer the Honourable Member to the diagram attached to the Pink Book of the North Western Railway, from which it will be seen that the Railway Administration hopes at present to commence construction in 1930-31, and complete the line in 1931-32.

CONSTRUCTION OF A RAILWAY BETWEEN JIND STATE AND HANSI.

381. Pandit Thakur Das Bhargava: (a) Do Government propose to consider the advisability of opening a railway line between Jind State and Hansi (Hissar District in the Punjab) via Narnarind (Hissar District)?

(b) In reply to question No. 360 asked by me on the 17th September, 1928, Government were pleased to say that the matter was under investigation. Will Government be pleased to state now if the project has been sanctioned? If not, by what time is the investigation of the question likely to be finished?

Mr. P. R. Rau: (a) The project has not hitherto been considered.

(b) A traffic survey was sanctioned in September, 1928, but the report thereon has not yet been received by the Railway Board.

APPOINTMENT OF MUSLIMS IN THE LUDHIANA DIVISION OF THE POSTAL SERVICE.

382. Pandit Thakur Das Bhargava: (a) Will Government be pleased to state the total number of vacancies in the clerical cadre that occurred in the Ludhiana Postal Division from 1st August, 1927, to 28th February, 1929? How many were given to Muslims and non-Muslims, respectively?

(b) Will Government be pleased to state as to how many Muslims and non-Muslims were stopped increments of pay since the present Superintendent of Post Offices took charge of the Ludhiana Division?

Mr. P. G. Rogers: (a) Out of a total of 22 vacancies, 13 were given to Muslims and the remainder to non-Muslims.

(b) The increments of nine non-Muslims were stopped, but four of these were restored on appeal. No increments were stopped in the case of Muslims.

TRIAL OF PROSECUTIONS INSTITUTED BY CANTONMENT BOARDS.

383. Pandit Thakur Das Bhargava: Will Government be pleased to state if it is a fact that in several cantonments prosecutions launched under the Cantonments Act by the Cantonment Board came up for trial before a Magistrate Member of that Board?

Mr. G. M. Young: Government have no information. The matter is within the discretion of the Local Government

PROVISION OF NON-SMOKING COMPARTMENTS FOR THIRD AND INTERMEDIATE CLASS PASSENGERS ON STATE RAILWAYS.

384. Pandit Thakur Das Bhargava: (a) Will Government be pleased to state if there are any non-smoking carriages provided for third and inter-class passengers on any railway line?

(b) Are Government aware that the third and inter-class non-smoking passengers are put to great inconvenience and trouble by the restrictions against smoking not being strictly enforced?

(c) Will Government be pleased kindly to lay on the table a statement showing the number of cases instituted each year against passengers for non-observance of the rules against smoking for the last ten years on all the Government railways in India?

(d) Do Government propose to issue instructions to enforce the rules against smoking more strictly in future?

Mr. P. R. Rau: (a) I believe not.

(b) No.

(c) The Railway Board have no record of any such cases having been instituted.

(d) No.

APPOINTMENT OF INDIANS IN THE SENIOR SUBORDINATE ESTABLISHMENT IN THE NORTH-WESTERN RAILWAY WORKSHOPS, ETC.

385. Pandit Thakur Das Bhargava: (a) Will Government be pleased to lay on the table a statement showing the various posts of the pay of more than Rs. 400 in the Senior Subordinate Establishment in the Railway Workshop of the North-Western Railway in the various Departments including Power House, Carriage and Wagon Shops and Loco. Shops?

(b) How many of these posts are occupied by Europeans, Anglo-Indians and Indians, respectively?

(c) By what time do Government expect that 75 per cent. of these posts will be occupied by Indians?

(d) Is it a fact that out of 67 such posts as many as 66 are occupied by Anglo-Indians and Europeans?

(e) Is it a fact that in the place of the only Indian Foreman Rai Sahib Dev Datta Mal who lately retired from service an Anglo-Indian has been appointed?

(f) Are there any Indian apprentices under training or in junior service for any of these posts? If so, how many?

Mr. P. R. Rau: (a), (b) and (d) The information can be obtained from the Classified List of subordinate staff of the North Western Railway in receipt of Rs. 250 per month and over, a copy of which is in the Library.

(c) Government are unable to make a forecast.

(e) Government have no information.

(f) I understand the number of literate apprentices at present undergoing training in the Moghalpura workshops is 248, of whom 209 are Indians and 84 Europeans and Anglo-Indians.

SALE OF ELECTRIC POWER BY THE GOVERNMENT OF INDIA TO THE DELHI LIGHTING AND TRACTION COMPANY.

386. Pandit Thakur Das Bhargava: (a) Has any agreement been entered into between the Delhi Lighting and Traction Co. Ltd., Delhi, and the Government of India for the purchase of electric power by the former from the latter? If so, will Government be pleased to lay the agreement or a copy of it on the table?

(b) Is it a fact that the Delhi Joint Water Board purchases electricity for its use from the said Delhi Lighting and Traction Co. Ltd., Delhi?

(c) Will Government be pleased to state the rate per unit at which it has sold electric power to the said Company and the rate at which the said Company supplies electricity to the Delhi Joint Water Board?

(d) Is it a fact that the Municipality of Delhi purchases its supply of electric power from the said Company at a rate about six times the rate at which Government have agreed to supply the said Company with electric power?

(e) Will Government be pleased to state:

(i) who are the Directors of the said Company;

(ii) what amount of capital of that Company is non-Indian?

The Honourable Sir Bhupendra Nath Mitra: (a) An Agreement has been entered into between the Delhi Electric Supply and Traction Company Limited (as it is now designated) and the Government. A copy of the Agreement is laid on the table.

(b) Yes, for works within the licensed area of the Delhi Electric Supply and Traction Company Limited.

(c) The price charged by Government for the bulk supply of electricity to the Company is given in clause (2) of the Agreement. It will be observed that it does not consist of a flat rate per unit, but is based upon the compound system, usually adopted for bulk supplies in all electricity undertakings, of an annual charge on the maximum demand to cover capital charges on the power station, together with a component at a rate per unit to cover running charges. Provision is also made for a minimum annual charge as for 1 million Board of Trade units and 800 kilowatts of maximum demand, even though the actual consumption may be less than these figures. The electricity is delivered to the Company at the bus bars at the Government Power Station, and the Company is responsible for all expenditure connected with the transmission, conversion and distribution of the current.

It is understood that the Company charges to the Delhi Joint Water Board its ordinary rates to the public for current for lights and fans, while the power supplied for an electric motor is charged at three annas per unit, subject to a discount, which at present works out to about 15 per cent., taken on the annual consumption.

(d) The answer is in the negative. It is understood that the Company charges the Municipality the ordinary rates for current for lights and fans and 2-9 annas per unit for the current for street lighting. It is believed that the last-mentioned charge covers, not only the maintenance of the lines, but also the ordinary replacement of the street lamps.

(e) (i) According to the Company's balance sheet for the year 1927-28, the Directors are:

Mr. A. W. Tait, C.B.E., Chairman.

Mr. R. Carrol Pearman, Deputy Chairman

Colonel Sir Buchanan Scott, K.C.I.E.

Mr. A W R Lovering.

(ii) Government have no information

Copy of an Agreement entered into between the Delhi Electric Supply and Traction Co., Ltd., and the Government

THIS AGREEMENT is made the _____ day of _____ one thousand nine hundred and twenty BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter referred to as the supplier or the Government which expression shall include his and their successors and assigns where the context so admits) of the one part and the DELHI ELECTRIC TRAMWAYS AND LIGHTING COMPANY LIMITED a Company registered under the British Companies Acts, 1862 to 1900 and having its registered office at Basildon House of Moorgate, London, (hereinafter referred to as the Company) of the other part

WHEREAS the supplier has agreed to supply to the Company and the Company has agreed to take from the supplier electric energy in bulk for the period and upon the terms and conditions hereinafter mentioned, NOW IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

Nature of Supply.

1. The Supplier shall supply and the Company shall take from four months from the signing hereof during the continuance of this agreement and subject to the provision thereof a supply of electric energy in Bulk up to but not exceeding excepting with the express permission of the supplier 600 Kilo Watts in maximum demand at the Government Power Station Bus Bars, Delhi. The supply shall be three phase alternating current, 50 periods 6,600 volts between phases

Charge for energy

2. The Company shall pay to the supplier at the following rates:

0-8 annas per 1 Board of Trade unit for the total units supplied per annum plus an annual charge of Rs. 75 per Kilo-Watt of actual maximum demand during the year calculated according to the provisions of clauses 4 and 5 hereof PROVIDED ALWAYS that payments shall be made at the price aforesaid and at the rate of not less than 1,000,000 Board of Trade units in twelve months in respect of units and for not less than 300 Kilo-watts of maximum demand in respect of the additional charge based on the maximum demand even if less than that quantity is supplied. In order to enable the payments to be made monthly the Company shall, within 15 days of the presentation of accounts each month, pay to the suppliers as follows:—

0-8 annas per unit for the total units supplied during the previous month plus a fixed amount of Rs. $\frac{75 \times 300}{12}$ = Rs. 1,875 in respect of the additional charge for the maximum demand. Any adjustment as regards the minimum payment to be made for the whole year shall be made during the first week of February in every year

2. (a) Subject to the supply up to 600 Kilo-watts from the supplier being at all times regular and reliable the Company shall take all its excess requirements up to 600 Kilo-watts over and above the present capacity of its existing plant (say 2200-K. W.) from the supplier. The maximum demand of the Company upon the supplier measured as aforesaid, shall in no case excepting at the sole discretion and specific sanction of the Supplier exceed 600 Kilo-watts.

Revision of charges on account of alteration in the price of coal.

3. Either party may at the end of each consecutive period of four years from the commencement of supply under this agreement demand that an investigation be made for a revision in the said charge of 0·8 annas per Board of Trade unit during the next four years on account of there then being a large alteration in the price of steam coal of a quality suitable for generating steam in the supplier's power station. Where such investigation shows that the cost of coal, as described below, has varied by not less than one rupee per ton, a revision shall be made (up or down as the case may be) in the said charge of 0·8 annas at the rate of 0·27 annas for each and every rupee per ton by which the price of coal has varied. Such revision shall be based solely upon the difference between the market rates at colliery and railway freight to Delhi Main Station for best quality Indian steam coal of the class suitable for the supplier's purposes at the commencement of the period and the rates and freight for the same class and quality of coal at the end of the period under review. Should the parties fail to agree as to the rates of coal on which the revision is to be based or otherwise on the question of revision under this clause, the question shall be referred to an arbitrator to be appointed by the Bengal Chamber of Commerce whose decision shall be final and binding on the parties.

Method of measurement of bulk supply energy

4. Measurement of energy sold to the Company shall be made in such manner as may be agreed upon by the parties from time to time in writing or failing agreement shall be effected by two single phase meters on each line or phase of the bus bars which give a supply to the Company's Feeders

Method of measurement of Maximum Demand.

5. Measurement of maximum demand made by the Company upon the Government Power Station shall be effected by averaging meters of a type to be approved by both parties, and so set and calibrated as to record the average load in Kilo-watts demanded in each successive period of ten minutes. The annual charge of Rs 75 per Kilo-watt of Maximum Demand shall be made on the highest average load recorded as above by the maximum demand meters during any period of ten minutes in each complete year, during which this agreement remains in force PROVIDED ALWAYS that the records of the maximum demand indicators shall for calculating bills against the Company be disregarded in respect of demands made by the Company during such portions of any day and year as from time to time fall within any of the respective limits set forth below, i.e.,

- (a) Between 11 P.M. on any day from the First day of October in any year to the last day in the month of February next following, and 5 P.M. on the next following day during such period.
- (b) Between 11 P.M. on any day from the 1st day of March in any year to the last day in the month of September next following, and 7 P.M. on the next following day during such period
- (c) For any period during the 24 hours for not more than seven days in each year in respect of which days the Company shall have forwarded to the supplier not less than five nor more than ten clear days' notice in writing.
- (d) For such additional period, if any, as may from time to time be mutually agreed upon between the parties.

Supply, pricing and sealing of meters.

6. Each party shall provide one set of energy and maximum demand meters as aforesaid. All meters shall be fixed by the supplier, but shall be sealed by both parties, and no meter may be adjusted or interfered with or have its registrations changed by either party except with the consent and in the presence of an approved representative of the other party.

Incorrect meters.

7. Subject always to the minimum charge provided for by clause 2 hereof the charge for supply of energy under this agreement shall be based and paid upon the mean of the readings of the said meters of the respective parties PROVIDED ALWAYS that where either party doubts the accuracy of any meter, such meter shall, on the application of that party, be tested in the presence of approved representatives of both parties (or if either party fail to nominate or send a Representative, the other party can do so for him) and if found to have greater error than 3 per cent, at the average load taken by the Company during the period since the last settlement of accounts than the readings of such meter shall be disregarded for that period and until such time as the meter has been correctly adjusted or replaced, and the readings of the other party's meter on that circuit shall be used for the purpose unless that meter also shows a greater error than 3 per cent, as aforesaid in which case the average readings for the 3 months previous to the last settlement of accounts shall be used for the purpose of calculating the amount due. Readings of the meters shall be taken by the supplier's agents daily and the readings of the meters shall be entered by him in a book to be attached to such meters and to be open for the inspection of the Company.

Method of user

8. The Electrical energy supplied under this agreement shall not be utilised by the Company in any exceptional way prejudicial to the supplier. The Company shall also adopt efficient means for protecting any portion of the Extra High Tension transmission lines situated in such a position as to be liable to injury from lightning and will also provide efficient devices for protecting the supplier's plant and appliances from an injury to which they are liable on account of excessive overloads, short circuits, etc., which may occur on the Company's system.

PROVIDED however that the supplier shall fix in his power station as part of his equipment and maintain in proper working order suitable devices to protect his system against any excessive overloads which may occur owing to internal faults arising on the said transmission lines connected with his switch gear

Switch gear.

9. The supplier shall provide a separate Feeder panel for each Feeder provided by the Company and shall further provide accommodation, if required, for any Discriminating Feeder Protection gear provided by the Company.

Changes in methods of generating.

10. Should the Supplier adopt any method of generating electrical energy or purchase a bulk supply which results in a reduction of more than 10 per cent in his average cost per unit at the bus bars allowing interest at 6 per cent, on the total capital expenditure incurred on his power station as compared with such average cost and interest for the 24 months, prior to the adoption of the different method of generating, the Company shall receive an immediate *pro rata* reduction in the said charge of 0.8 annas a unit, such reduction being on the basis of the reduced total cost per unit to the supplier as aforesaid, excluding the first 10 per cent of such reduction. PROVIDED ALWAYS that this Clause shall not except as hereinafter otherwise expressly provided apply to any reduction in cost per unit resulting from increased output or economies effected under the present method of generation and that accounts settled shall not be reopened by reason of this provision

Government charges in its own area for energy supplied to small industrial users

11. The supplier shall not except with the consent of the Company supply energy to small industrial users situated in the Supplier's area of supply at a less rate than the average aggregate rate for the previous financial year charged to the Company for supply under this agreement plus the cost per unit to the Supplier of distributing and converting (including the maintenance of the Supplier's distribution system and 5 per cent. on the cost of the system) plus 10 per cent. profit. A small industrial user shall be deemed to be one whose installation is 50 Horse Power or less.

Revision of cost of account of new large consumer in Government area of supply.

12. If the Supplier gives a supply of over 2,50,000 B. O. T. units a year to any other individual or corporate body within his area of supply and his total generating costs per unit are thereby reduced, then the charge of 0.8 annas per unit made to the Company shall be reduced by an amount equal to 90 per cent. of the reduction effected in the average generating cost per unit as a result of the supply to such consumer. PROVIDED ALWAYS that accounts settled shall not be reopened by reason of this provision.

Additional Bulk Supply by Government.

13. During the period of this agreement the Supplier shall not except with the consent of the Company give or sell or arrange to sell any electric energy to any other party than the Company under such conditions as shall enable the said other party receiving for use or re-sale the energy so supplied or any portion thereof within the Company's area of supply at a cheaper rate than that at which the Company supplies for similar purposes without giving the Company previous notice of at least one month in writing of the Supplier's intention to do so. Should the supplier give such notice then at any time after receipt of such notice or should the supplier give or sell or arrange to give or sell without such notice than at any time after the Company has notice of the said giving or selling or of the said intention to give or sell the Company may determine this agreement by 18 months' notice to the Supplier and in such event may at their option require the Supplier to take over such of their wires, cables, lines, poles, equipments and all such things and works as the Company may have reasonably provided and the Supplier sanctioned in writing in order to receive the energy taken from the Supplier under this agreement at a price to be fixed on the basis of the original cost of the said cables, poles, equipments and works minus such depreciation as may be mutually calculated or failing that fixed by the Arbitrator up to the date when the determination of this agreement takes effect but the Company shall be entitled to no other compensation on account of such determination.

Supplier not to compete in Company's area.

14. During the period of this agreement the Supplier shall not except with the express written consent of the Company give a supply to any Government or other buildings within the Company's area of supply without giving previous notice of at least one month in writing of his intention to do so. Should the Supplier give such notice then at any time after the expiration of the said notice and should the Supplier give such a supply without notice, then at any time after the date on which the Company receives notice or information of the said giving the Company may determine this agreement by 18 months' notice and may at their option require the Supplier to take over such of their wires, cables, lines, poles, equipments and all such things and works as the Company may have reasonably provided in order to receive the energy taken from the Supplier under this agreement at a price to be fixed on the basis of the original cost of the said cables, poles, equipments and works minus depreciation up to the date when the determination of this contract takes effect but the Company shall not be entitled to any other compensation on account of such determination of this agreement.

Definition of Company's Area

15. The "Company's area of Supply" as referred to in this agreement shall be taken to be the area at present administered by the Delhi Municipal and Notified Area Committee to the North of the red line shown on the map attached hereto and signed by the parties. This excludes the Cantonment Area and the Fort.

Lines, etc., to be handed over by Government

16. In consideration of the premises the Company agrees to supply and the Supplier agrees to take at the applicable rate specified in Schedule A hereto, all energy required by the Government in the Government buildings in the Notified Area as set forth in Schedule B and now supplied by the Government and the Company agrees to supply all energy required by other persons in the said area. PROVIDED ALWAYS that Government shall only be responsible for supplies numbered I and II in the said Schedule B as recorded by a correct meter. The Government will on or before

the commencement of supply by the Company to the Government under this agreement hand over to the Company at the rates in Schedule C hereto such portions of its Distributing Mains, Service Lines and Equipment in the Notified Area as may be required by the Company for the purpose of giving supply to the Buildings as set forth in Schedule B. The price of such mains and of the first 100 ft. of all service lines *plus* interest at the rate of 5 per cent. per annum from the commencement of supply under this agreement on the amount for the time being unpaid will be paid by the Company to the Supplier in twenty-two equal six-monthly instalments, the first instalment being paid within seven days of the commencement of supply hereunder. The Supplier reserves the right to require the Company at any time to alter the position of the said distributing mains and services, and nothing herein contained shall give the Company any ownership or other right over the land on which the wires and equipment are or may be fixed other than the rights or access which pertain to them as Licensees under the Indian Electricity Acts.

Street Lighting Supply.

17. Simultaneously with the signing of this agreement the Company shall enter into an agreement with the Notified Area Committee for the supply of energy for street lighting at 3 annas a Unit.

Monthly Bills for Energy supplied by the Company

18. For all energy supplied to Government servants premises and to buildings supplied with electric energy by the Company and for which Government has to pay in compliance with clause 16 hereof the Company shall prepare and present monthly bills at the proper rates according to Schedule A hereof. If any increase is made by the Supplier in charges to Government servants and Buildings in the New City Area, the Company will or after due notice make a corresponding increase in their rates for consumers shown in the attached Schedule B. The additional revenue so recovered by the Company will be credited to Government.

Adjustment and Payment of Current Accounts

19. The total amount of all bills referred to in clause 18 above which are payable by Government shall be set off *pro tanto* against the total amount of all bills submitted by the Supplier to the Company under clause 2 hereof subject to a quarterly adjustment being made and calculated as follows—

The supplier shall be debited only with an amount represented by the total number of units included in the said bills for the quarter under review calculated (subject to clause 20 hereof) according to the rate specified in schedule A hereto *plus* meter rents at the rate of Re. 1 per mensem per D. C. meter and annas 8 per mensem per A. C. meter supplied and the difference between the total so arrived at and the totals of bills submitted under clause 2 hereof during that quarter shall be paid by the party from whom such amount is shewn to be due, within one month of a bill for the said difference being received by that party, provided however, that if any of the monthly bills as referred to in clause 18 above shall have been paid and settled with the Company the amount of such payments received by the Company for energy supplied shall be credited in full to the supplier. A further annual adjustment shall be made on the same basis in the month of February each year, and at the annual adjustment the supplier shall be debited with all amounts due for energy supplied under clause 16 above, at the proper schedule rate for the total consumption.

Revision of Company's Charges

20. If any alteration in the charge of 0.8 annas per unit to the Company is made under the provisions hereinbefore contained the same alterations shall from such date be made by the Company in the charges to the supplier.

Payment of Account.

21. Each party shall effect settlement of any balance due from them to the other party as shown by the said quarterly and annual adjustments of accounts within one month of any such adjustment. Failing such settlement interest at the rate of 6 per cent per annum shall be payable by the defaulting party to the other party from the date the amount should have been paid.

Security Deposit.

22. The Company shall deposit Government securities to the value of rupees 3,000 as security for the payment of the amount due by them to the supplier for energy supplied. In the event of any amount exceeding the sum of Rs. 3,000 being due by the Company to the Supplier exceeding 1 month from date of presentation of the bill interest at 5 per cent. will be paid and if for a period exceeding three months the supply of energy will be liable to be cut off without notice and without compensation on the expiry of such three months till such time as the amount due is paid or the Supplier may terminate the agreement on account of such breach without payment of any compensation.

Sub-station Site.

23 The Supplier will provide the site shown on the attached plan and measuring sq. yds. on which the Company may erect a Sub-Station, of a design approved by Government and this site shall be leased to the Company at a rental of Re. 1 per annum.

Supply to be subject to God, etc.

24. The Supplier undertakes that the supply of energy shall be available continuously up to the output herein specified and agreed PROVIDED ALWAYS that in the event of the Supplier's generating plant being put out of action altogether owing to an Act of God, rebellion, riot or by any cause beyond the control of the Supplier this agreement shall be in abeyance until the damage is rectified but if the plant is only damaged to such an extent that the Supplier's remaining plant available for use is insufficient to meet the total normal demands of the Company for the time being then the maximum supply of 600-K.W. available for the Company shall be reduced but not in greater proportion than the reduction effected in the supply capacity of the Supplier's plant. If the Company is refused supply for the reasons aforesaid the minimum referred to in clause 2 hereof shall be reduced proportionately.

Facilities for inspection of Meter Books and Records, etc.

25 The Company shall at all reasonable times afford facilities to the Supplier's agents to check the Company's records and figures which are or may be factors to be taken into consideration under clause 19 above, and that the Supplier will similarly give facilities to the Company for checking all Records and figures which are or may be factors to be taken into consideration under the provisions of clauses 10, 11 and 24 This shall not apply in any way to Government State Buildings.

Not to Assign.

26. The Company shall not be entitled to transfer their rights and liabilities under this agreement to any other person or firm without the written consent of the supplier

Indemnity

27. The company hereby indemnifies the Supplier against all third party claims and demands in any way arising out of the supply hereby agreed upon and not due to any default of the Supplier and the Supplier hereby acknowledges that the supply shall be given under the terms and obligation of the Indian Electricity Act for the time being in force and applicable to this agreement.

Marginal Notes.

28 The marginal notes to this agreement are not in any way to control this Agreement.

Electricity Act.

29. Matters in connection with the supply under this agreement and not expressly provided for under the terms thereof shall be governed by the Indian Electricity Act for the time being in force

Termination of Agreement

29. Subject to the provisions herein contained for termination of the agreement by special notice, this agreement shall continue in force until the (1st day of April 1938) and thereafter until the expiration of 24 months' notice of termination which either party shall be entitled to give on (1st April 1936) or at any time thereafter.

Arbitration.

30 In case of any difference arising between the parties hereto as to the interpretation or construction of any clause hereof or as to the rights of the parties hereunder or in anywise relating to or connected with the premises the settlement of which is not otherwise provided for the same shall be referred to the award of two arbitrators, one to be nominated by the Supplier and the other to be nominated by the Company, or in the case of the said arbitrators not agreeing, then the award of an umpire to be appointed by the arbitrators in writing before proceeding on the reference and the decision of the arbitrators or in the event of their not agreeing, of the umpire appointed by them shall be final and conclusive and binding on the parties and any such reference shall be governed by the provisos of the Indian Arbitration Act for the time being in force.

In witness whereof Secretary to the Government of India in the Department of Industries by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the seal of the Company has been fixed the day and year above written.

Signed by

Secretary to the Government of India
in the Department of Industries in the presence of

The seal of the Company was hereunto
affixed in the presence of

(1) Director.

(2) Secretary.

SCHEDULE "A".

	Annas.
I. (a) Works and power purposes (Public Works Department) ..	2 per unit.
(b) Works and power purposes (other Departments) ..	2 " "
II. Viceregal Estates and Public Service Departments :—	
(i) For 1 to 249 units in any given month	6 per cent.
(ii) 250 to 449 units	5 " "
(iii) 500 units and over	4 " "
III. Government servants occupying Government owned Buildings in old Delhi which are now supplied with electric energy from the Government Power Station	3 " "

SCHEDULE "B".

I. (a) Works and power purposes (Public Works Department)—

- (1) Electric Motor Pump at Metcalfe House.
- (2) Rajpur Nursery Motor Pump No. 1.
- (3) Rajpur Nursery Motor Pump No. 2.
- (4) Motor Pump at Balak Ram's Hospital
- (5) Motor Pump at Hindu Rao's Hospital.

(b) Works and power purposes (other Government Departments)—

- (1) Electric Motor for Ice Plant (Viceregal Estates)
- (2) Delhi Fort Sub-Station (Electric)
- (3) Government Printing Press (Motors, etc.).

II. (a) Viceregal Estates including Bungalows and Quarters attached thereto—

- (1) Viceregal Lodge or Circuit House.
- (2) Ball Room.
- (3) Lodge Grounds.
- (4) Kitchen Meter.
- (5) Stables.
- (6) Rajpur Quarters (Nos. 1 to 4).
- (7) Viceregal Estate Quarters No. 12.
- (8) Viceregal Estate Quarters No. 15.
- (9) Sub-Assistant Surgeon's Quarter.
- (10) Cavalry Road Bungalows Nos 1-2 and 5 to 10

(b) Public Service Departments :—

- (1) Temporary Imperial Secretariat Buildings.
- (2) Hindu Rao Hospital and quarters
- (3) Balak Ram's Hospital and quarters.
- (4) Government Printing Press
- (5) Kingsway Railway Station.
- (6) Police Barracks.
- (7) Police Station
- (8) Infectious Hospital No 1
- (9) Infectious Hospital No 2.
- (10) Posts and Telegraph Buildings used as offices :—
 - (i) Posts and Telegraph Buildings, Telegraph side.
 - (ii) Posts and Telegraph Buildings Charging Room.
 - (iii) Main Building Telephone side.
 - (iv) Telephone charging motor.
 - (v) Telegraph Camp, Bela Road (two connections).
 - (vi) Telegraph Building, Post Office side.
 - (vii) Post Office, Kingsway.
 - (viii) Post Office, Cavalry Line.
 - (ix) Post Office, Timarpur.

- (11) Metcalfe House Main Building.
- (12) Military Standing Camps at Kingsway.

III. Government Servants occupying Government owned Buildings in Old Delhi which are supplied with Electric energy from the Government Power Station

- (1) 10, Probyn Road.
- (2) 80-1 The Mall.
- (3) 80-2 The Mall.
- (4) 80-3 The Mall.
- (5) 80-4 The Mall
- (6) Assistant Surgeon's Quarters at Hindu Rao Hospital.
- (7) 1st Sub-Assistant Surgeon's Quarters at Hindu Rao's Hospital.
- (8) 2nd Sub-Assistant Surgeon's Quarters at Hindu Rao's Hospital.
- (9) Residence for the Manager, Government of India Press near Temporary Imperial Secretariats
- (10) 1-D-Press Block.
- (11) Superintendent's Quarter, Government Power House, Kingsway.
- (12) Gymkhana Club Quarters, 1 to 6.
- (13) Police Sub-Inspector's Quarter Civil Lines.
- (14) 2 Compounders' quarters Balak Ram's Hospital.
- (15) Metcalfe House (Residential quarters).
- (16) Alipore House.
- (17) 53 Unorthodox Clerks' Quarters.
- (18) 62 Orthodox Clerks' Quarters (Timarpur).
- (19) Gymkhana Club, Kingsway.
- (20) 6 Blocks of Unorthodox Clerks' Chummeries on Lancers Road.
- (21) Caretaker's Quarter P W D (behind Temporary Secretariat).
- (22) 6-F Type Press Workers' quarters (Unorthodox).
- (23) Posts and Telegraph Buildings used as quarters.—
 - (1) Sub-Postmaster's Quarter
 - (2) D. S I and T. T. M.'s Quarter.
 - (3) D S II. and T. T. M.'s Quarter.
 - (4) Telegraph Married Quarters No 1 and 2.
 - (5) Telegraph Reading Room and Mess
 - (6) Residence of Postmaster, Secretariat Post Office
 - (7) Telegraph Bachelor's Quarter, North Block.
 - (8) Telegraph Bachelor's Quarter, South Block.
 - (9) Telegraph Bachelor's Quarter No 1 to No 16.

SCHEDULE "C".

	Present stock rate.	
	Rs. a. p.	
Copper wire of different sizes at annas 7 per lb.	..	0 6 0 per lb.
Lattice poles at Rs. 30 each	..	35 0 0 each.
Hamilton poles B. C. D. at Rs. 50 each ..	..	77 0 0 „
„ „ C. D. E. at Rs. 60 each ..	..	
„ „ B. C. D. E. at Rs. 80 each ..	..	51 0 0 „
„ „ C. D. E. F. at Rs. 100 each ..	..	100 0 0 „
“ B ” Brackets at Rs. 6 per pair	..	6 0 0 per pair.
Pin Insulators, large, at Rs. 9 per dozen ..	..	
Pin Insulators, small, at Rs. 6 per dozen ..	..	
Shackle Insulators, large, complete, at Rs. 15 per dozen ..	..	2 14 0 each.

DISPLACEMENT OF LOCAL DHOBIES, BARBERS, ETC., IN THE SIMLA DISTRICT BY SERVANTS IMPORTED WITH REGIMENTAL UNITS FROM THE PLAINS.

387. Pandit Thakur Das Bhargava: (a) Is it a fact that in Sabathu and other hill stations there are dhobies, barbers, tailors and shoe-makers living since the foundation of the Cantonments in those places and maintaining themselves mainly on regimental jobs of the British units during the period of their stay at those stations?

(b) Is it a fact that from some time past the followers of the units from the plains have been given the jobs which were previously enjoyed by the local dhobies, shoe-makers, barbers and tailors?

(c) Did the residents of Sabathu and other places make a representation to the military authorities that the practice of importing strangers in these hill stations as followers with the units is ruinous to them and deprives them of legitimate employment of which they were in enjoyment since generations past?

(d) Will Government be pleased to state how many persons are affected in the Simla District by this practice of importing followers from the plains with the British units?

(e) Do Government propose to issue instructions to the authorities concerned to consider favourably the claims of these artisans and labourers?

Mr. G. M. Young: The Peace Establishment of British units provide for certain kinds of followers, for example, tailors and shoemakers, who are enrolled and who accompany the unit to the hills during the hot weather. Barbers and dhobies are private servants and all arrangements concerning them are in the hands of Commanding Officers. Government see no reason to interfere in this matter. A petition was received last year from certain dhobies, barbers, tailors and others residing in Sabathu, complaining that British units arriving at that station brought their own regimental followers. In reply, these men were informed that they should address the local military authorities, who were competent to deal with this question. Government have no further information on the points raised by the Honourable Member.

ISSUE OF REVISED RULES FOR THE RESERVATION OF SEATS ON STATE RAILWAYS.

388. Mr. T. A. Chalmers: Referring to the regrettable incident mentioned by Mr. Aney in this House on the 26th February, in which the Honourable Member had reserved a seat in a train which started from Bombay, but which he intended to join at a wayside station:

- (1) Is it a fact that seats can only be reserved for passengers who propose to join at wayside stations provided they pay the fare from the station the train is scheduled to start from;
- (2) Is it a fact that in spite of this rule station masters, in their efforts to oblige the public, do reserve berths for passengers joining at wayside stations though aware of the fact that fares have not been paid;
- (3) Is it a fact that, in such cases where reservation of seats has not been paid for from the starting point of the train, wayside passengers are not entitled to turn through-booked passengers out of the train;

- (4) Do Government propose to issue revised orders to Railway officials to see that when a seat is properly reserved for a way-side passenger other passengers be not allowed to occupy such seats?

Mr. P. R. Rau: (1) No.

- (2) On most of the larger railways, the rule on this point is as follows:

"First and second class passengers at intermediate stations requiring reserved berths should give at least 48 hours previous intimation in writing to the Station Master of the station from which the berths are required to be reserved; but the reservation of berths from intermediate stations cannot be assured."

(3) In view of the replies to (1) and (2) above, the answer is in the affirmative.

- (4) No.

FAILURE OF EXPENSIVE HEATING PLANT INSTALLED IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

389. Mr. S. C. Mitra: (a) Will Government be pleased to state if it is a fact that a hot water heating plant was lately installed in the Government of India Press, Simla, at a cost of Rs. 40,000 or so?

(b) Is it a fact that the said plant is not working properly and that the workers suffer badly from the bitter cold of Simla?

(c) Why was such an unsatisfactory plant ever purchased and what steps do Government propose to take to prevent such waste of public money on such useless plants?

(d) Do Government propose to provide fuel stoves or wall chimneys in place of the heating plant to keep the work rooms warm in winter?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

PROVISION OF QUARTERS FOR CHOWKIDARS AND PEONS IN GOVERNMENT PRESS BUILDINGS IN SIMLA.

390. Mr. S. C. Mitra: (a) Is it a fact that quarters provided in the Government Press Buildings at Simla for the use of chowkidars and peons have been allotted to a blacksmith and a mechanic?

(b) Is it a fact that the poor chowkidars and peons have been without any shelter during the severe winter and consequently suffering great hardships for want of living accommodation?

(c) Has any rent been recovered from the blacksmith and the mechanic since the allotment of the quarters to them? If so, at what rate?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

RECRUITMENT OF MORE HIGHLY EDUCATED MEN IN THE UPPER GRADES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

391. Mr. S. C. Mitra: (a) Are Government aware that graduates and undergraduates are rigidly excluded from employment in the Clerical and Reading Branches of the Simla Press? If so, what are the reasons?

(b) Is it a fact that there is not a single graduate or an undergraduate employed in the Simla Press? If so, are Government prepared to consider the desirability of recruiting graduates and undergraduates to higher posts?

(c) Are Government prepared to issue instructions to the Managers of the Government of India Presses to recruit educated men in the upper and the lower grades of the industrial establishments?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made, and the result will be communicated to the Honourable Member in due course.

INSTITUTION BY THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA, OF A FUND FOR EMPLOYEES OF THAT PRESS.

392. **Mr. S. C. Mitra:** (a) Are Government aware that the head clerk, Simla Press, started some years ago a fund entitled "B. B. Fund" by raising compulsory subscriptions out of which money is being lent on interest to Press workers at the rate of two annas per rupee?

(b) Is it a fact that the loan and the interest are compulsorily deducted by the head clerk from the pay of the workers at the time of the disbursement of monthly pay?

(c) Is it a fact that out of the interest so collected honoraria are drawn by the head clerk and other clerks for maintaining the Fund?

(d) Is it a fact that advances are also drawn from this Fund by the Manager and the head clerk without any interest?

(e) Is the Fund recognised by Government or the Controller of Printing? If not, is the head clerk authorised to carry on such money-lending business at the expense of the workers and utilise the same to his own personal advantage?

(f) Is it a fact that lately a large number of workers complained of defalcations and misappropriations in the accounts of the said Fund? If so, do Government propose to depute a responsible officer to audit the accounts of the said Fund?

The Honourable Sir Bhupendra Nath Mitra: (in reply to Nos 392 and 393): Inquiries are being made and the result will be communicated to the Honourable Member in due course.

INSTITUTION BY THE ASSISTANT MANAGER AND HEAD CLERK OF THE GOVERNMENT PRESS, SIMLA, OF A FUND FOR MONEY-LENDING PURPOSES.

†393 **Mr. S. C. Mitra:** (a) Is it a fact that a fund named the "Government Monotype Fund" has lately been started by the Assistant Manager and the head clerk of the Simla Press for money-lending purposes? If so, is the business of the Fund carried on during office hours in the office building?

(b) Who are the office-bearers of the said Fund and what remuneration is taken by them?

(c) Is the Manager of the Press satisfied that the money collected for the Fund is safe and that its accounts are properly kept and published for the information of the Press workers?

† For answer to this question, see answer to question No. 392.

APPOINTMENT OF A NON-TECHNICALLY TRAINED CHECKER AT THE GOVERNMENT PRESS, SIMLA.

394. Mr. S. O. Mitra: (a) Will Government be pleased to state if the post of the correction checker in the Simla Press is held by a man who has no practical knowledge of composition?

(b) Is it a fact that the time charged by compositors in carrying out corrections is cut indiscriminately by the checker in the Simla Press?

(c) Is it a fact that a large number of representations have been made by the compositors in the Simla Press against the appointment of a non-technical man as a checker, but that no steps have been taken to redress their grievances? Is it a fact that the present time checker was a despatcher and is the brother-in-law of the Assistant Manager?

(d) Is it a fact that the claims of Messrs. Bashiruddin and Jwala Singh who possess the required technical experience and are far senior in pay and service to the present checker have been ignored? If so, what are the reasons for appointing a non-technical man to the post?

The Honourable Sir Bhupendra Nath Mitra (in reply to Nos. 394 and 395): The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

APPOINTMENT OF AN UNQUALIFIED PROOF READER IN THE GOVERNMENT PRESS, SIMLA.

†**395 Mr. S. O. Mitra:** (a) Is it a fact that one Mr. M. Abraham was lately appointed as proof reader on Rs. 125 per mensem?

(b) Is it a fact that the said reader has no educational qualifications and practical experience of proof reading and that he was appointed without being given any trial?

(c) Is it a fact that the present head reader on taking charge of the Reading Branch discovered that the said reader was totally unqualified and that a report was submitted by him to the Manager accordingly? What action was taken on the report? If not, why not?

(d) Is it a fact that the said reader is a relative of the Assistant Manager?

NUMBER OF PROPERTIES ACQUIRED FOR OCCUPATION BY MILITARY OFFICERS AND OFFICES.

396. Mr. Jamnadas M. Mehta: (a) Will Government be pleased to state how many properties they acquired under section 11 (c) of the Defence of India (Consolidated) Rules, 1915, for the occupation of military officers and offices in India?

(b) Have they paid compensation in all cases?

(c) How many claims were rejected?

(d) Were there any claims from the lessees conveyed under section 105 of the Transfer of Property Act?

(e) If so, why were such also rejected?

† For answer to this question, see answer to question No. 394.

(f) Will Government be pleased to place the draft rules and other connected papers on the table of the House?

Mr. G. M. Young: The Honourable Member is referred to the reply which I gave on the 22nd March to the same question asked by Mr. Haji (No. 1191).

NUMBER OF HINDUS EMPLOYED AS COMPOSITORS, DISTRIBUTORS, ETC., IN THE GOVERNMENT OF INDIA PRESS, DELHI.

397. Mr. Mukhtar Singh: Will Government be pleased to state the total number of vacancies of compositors, distributors, dafftries, and machinememen during the years 1927—29 in the Government of India Press, Delhi and how many of them have been filled by Hindus? Are these vacancies filled on the proportion basis of the communities? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: The information required is given below:

Class of appointment.						Total No. of vacancies during 1927—29	Vacancies filled by Hindus.
Compositors	..	..	..	..	..	23	7
Distributor	..	..	..	..	..	1	1
Warehousemen (Dufftries)	..	..	..	..	..	5	1
Machinememen	..	..	..	..	..	Nil.	Nil.

Candidates are selected according to their efficiency and not on communal grounds. Steps are, however, being taken to apply the orders relating to the appointment of members of minority communities to the industrial establishment of the Press as a whole.

APPOINTMENT OF AN UP-COUNTRY OFFICIAL TO A RESPONSIBLE POST IN THE INDUSTRIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, DELHI.

398. Mr. Mukhtar Singh: Is it a fact that since the time the Government of India Press, Delhi, was established in Delhi no up-country official has been appointed to any responsible post in the Industrial Establishment of the Press? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative. The second part of the question does not therefore arise.

PROVISION OF A REFRESHMENT ROOM FOR VEGETARIAN HINDUS AT THE GOVERNMENT OF INDIA PRESS, DELHI.

399 Mr. Mukhtar Singh: Is it a fact that there is no separate room allotted to the vegetarian Hindus in the Government of India Press, Delhi, where the employees may retire and take their food? Do Government propose to make an adequate provision to remove this grievance?

The Honourable Sir Bhupendra Nath Mitra: A large tiffin room is provided solely for Hindus and no representation has been received for the allotment of a separate room for vegetarian Hindus.

NUMBER OF TEMPORARY HANDS EMPLOYED IN THE GOVERNMENT OF INDIA PRESS, DELHI.

400. Mr. Mukhtar Singh: (a) How many temporary hands are employed in the Government Press, Delhi?

(b) Will Government be pleased to state the period since when they are holding their respective temporary posts?

(c) Have any vacancies arisen during this period and, if so, have these temporary men been appointed to these posts? If not, will Government be pleased to state the reason why the claims of these temporary men have been ignored?

The Honourable Sir Bhupendra Nath Mitra: (a) Fifty-eight, including inferior servants.

(b) and (c). The collection of the information required by the Honourable Member will entail much time and trouble, but it may be mentioned that many temporary hands have recently been made permanent, and the question of making the remaining temporary posts permanent is being examined by the Controller of Printing and Stationery.

APPOINTMENT OF HINDUS AS CASTER ATTENDANTS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

401. Mr. Mukhtar Singh: (a) Is it a fact that a few vacancies for the post of caster attendants occurred in the Government of India Press, Delhi? If so, how many applications were received for these vacancies and how many of the persons who applied were Hindus?

(b) Will Government be pleased to state the number of Hindus appointed in these vacancies? If none of the appointments went to the Hindu candidates, will Government be pleased to state the reasons for ignoring the Hindu candidates?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Six applications were received, one of which was from a Hindu.

(b) No Hindu was appointed. The Honourable Member's attention is invited to the reply given to the latter part of question No. 397.

NUMBERS OF HINDUS AND MUHAMMADANS TRAINED IN MONOCASTING IN THE GOVERNMENT OF INDIA PRESS, DELHI.

402. Mr. Mukhtar Singh: (a) Will Government be pleased to state the arrangements made in the Government of India Press, Delhi, for training for monocasting and operations?

(b) How many Hindus and Muhammadans are being trained in these lines?

(c) If Hindus are not trained in their due proportions, will Government be pleased to state the reasons for it and if they propose to remove the grievance in the future?

The Honourable Sir Bhupendra Nath Mitra: (a) Men already employed in the Press are given an opportunity of learning the work of caster attendants and keyboard operators during casual absences and in leave vacancies.

(b) Two Hindus and six Muhammadans have been trained from the date of the installation of the plant.

(c) The men are selected for training strictly according to efficiency and not on communal grounds.

RULES FOR THE RECRUITMENT OF THE INDUSTRIAL ESTABLISHMENT IN THE GOVERNMENT OF INDIA PRESS, DELHI.

403. **Mr. Mukhtar Singh:** Are there any rules for the recruitment of the Industrial establishment in the Government of India Press, Delhi? If there are no rules, do Government propose to frame such rules for the guidance of the employees and the general public?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative. In filling vacancies in the industrial establishment, preference is given to men possessing technical qualifications, and Government do not consider it necessary at present to frame any rules on the subject.

APPOINTMENT OF AN OUTSIDER IN THE PLACE OF MR. D. N. CHATTERJI, ON HIS RETIRING FROM THE GOVERNMENT OF INDIA PRESS, DELHI.

404. **Mr. Mukhtar Singh:** Is it a fact that after the retirement of Mr. D. N. Chatterji from the Government Press, Delhi, a gentleman from the Lahore Government Press was imported and the claims of another person already serving in that branch for years were ignored? Will Government be pleased to state the reasons for their doing so?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

IGNORING OF THE CLAIMS OF ASSISTANT SECTION HOLDERS IN FILLING APPOINTMENTS OF SECTION HOLDERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

405. **Mr. Mukhtar Singh:** (a) Is it a fact that assistant section holders who were senior compositors and drawing higher pay are not given preference over compositors when filling vacancies of section holders although the assistant section holders have to sustain much financial loss in this hope?

(b) Is it a fact that Mr. F. D. Ascoli, Mr. Thackers and Mr. G. S. Khaparde in a Committee held at Metcalfe House, Delhi, assured the representatives of the different presses that claims of losers will be given preference?

The Honourable Sir Bhupendra Nath Mitra: (a) In accordance with the recommendation of the Piece-workers' Committee, vacancies of section holders are filled alternately from assistant section holders and senior compositors, provided suitable men are available for the post.

(b) Government have no information

INCREASE OF THE STAFF OF THE AMHERST STREET TOWN SUB POST OFFICE.

406. **Rai Bahadur Tarit Bhusan Roy:** (a) Is it a fact that the Presidency Postmaster, Calcutta General Post Office, submitted a proposal to the Postmaster-General, Bengal and Assam, for a large increase of the staff of the Amherst Street Town Sub-Office, as justified by the existing time tests on statistics of work transacted in the office? If so, when was the proposal received by the Postmaster-General and what action, if any, has been taken by him to increase the staff?

(b) If no action has been taken by the Postmaster-General, will Government please state the grounds on which the question has so long been kept in abeyance?

(c) Is it a fact that the special officer deputed by Government to revise the time-test has submitted his report recommending revision of the time-test on more liberal lines?

(d) In view of the great hardship experienced by the staff due to delay in sanctioning the proposed increase of staff do Government propose to take steps to expedite the matter?

Mr. P. G. Rogers: (c) The report submitted by the special officer is at present under the consideration of the Government of India, and it is as yet too early to say what will be the actual result of the application of the new time-test which the special officer has recommended, should it be accepted by Government.

Government have no information as to the other parts of the question, but will inquire and communicate the result to the Honourable Member.

INCREASE OF STAFF IN THE SHYAMBAZAR TOWN SUB-POST OFFICE.

407. Rai Bahadur Tarit Bhusan Roy: (a) Is it a fact that the Presidency Postmaster, Calcutta, submitted a proposal to the Postmaster-General, Bengal and Assam, for a large increase of staff of the Shyambazar Town Sub-Office and furnished statistics in support of the increase as far back as in the year 1926?

(b) Is it a fact that instead of taking up the question of revision of staff the Postmaster-General called for fresh statistics of the work of the office over and over again and although fresh statistics were furnished by the Presidency Postmaster each time they were called for the Postmaster-General has not taken any steps to increase the staff of the office?

(c) If the reply be in the affirmative, will the Government state the reasons which led the Postmaster-General to call for fresh statistics over and over again?

(d) Is it a fact that the staff of the Shyambazar Town Sub Office are compelled to work long hours due to inadequacy of staff?

(e) Are Government prepared to take steps for increasing the staff of the Shyambazar Town Sub-Office?

Mr. P. G. Rogers: The information is being collected and will be furnished to the Honourable Member in due course.

PUBLICATION OF GRADATION LISTS OF CIRCLES BY POSTMASTERS GENERAL.

408. Rai Bahadur Tarit Bhusan Roy: (a) In what month of the year are Gradation Lists of Circles due to be published by the Postmasters-General?

(b) Is it a fact that the Gradation Lists for the year 1928 of all the Postal and Railway Mail Service Circles except of the Bengal and Assam and some other circles have already been published?

(c) If the reply be in the affirmative, will Government please state the reasons for the delay made by the defaulting circles in publishing their Gradation Lists?

Mr. P. G. Rogers: Information on the points raised by the Honourable Member is being collected and will be furnished to him in due course.

DEATH OF THE SUB POST MASTER OF GOALUNDO GHAT.

409. Rai Bahadur Tarit Bhusan Roy: (a) Has the attention of the Government been drawn to the correspondence addressed by the Honorary General Secretary, Provincial Postal and Railway Mail Service Association, Bengal and Assam Circle, to the Postmaster-General, Bengal and Assam, published under head "Death of Sub-Postmaster, Goalundo Ghat" at page 384 of the *Labour* of October, 1928?

(b) If the reply be in the affirmative, will Government please state if the facts as stated in the correspondence are substantially correct?

(c) Did the Postmaster-General accept the Honorary General Secretary's suggestion to allow a joint committee of official and Association representatives to inquire into the circumstances relating to the death of the Sub-Postmaster? If not, why not?

(d) Has any inquiry been made by the Postmaster-General, Bengal and Assam, into the matter?

(e) If the reply be in the affirmative, will the Government please state in detail the facts that were ascertained as a result of the inquiry?

(f) Is it a fact that the deceased Sub-Postmaster submitted several applications to the Superintendent of Post Offices, Faridpur Division, for leave and immediate relief and sent two telegrams to him?

(g) Was any action taken by the Superintendent for immediate relief of the deceased Sub-Postmaster? If not, why not?

(h) Is it a fact that the death of the Sub-Postmaster was hastened by the failure of the Superintendent to arrange for his relief in spite of telegraphic representations?

(i) In view of the circumstances relating to the Sub-Postmaster's death, do Government propose to sanction an adequate family pension for maintenance of the widow and daughter of the deceased Sub-Postmaster? If not, why not?

(j) What action, if any, has been taken against the official responsible for not sending relief to the deceased Sub-Postmaster?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) to (j) Information is being collected and will be supplied to the Honourable Member in due course

INCREASE OF CLERICAL STAFF OF THE BOW BAZAR TOWN SUB-POST OFFICE.

410. Rai Bahadur Tarit Bhusan Roy: (a) Is it a fact that the Sub-Postmaster, Bow Bazar Town Sub-Office in Calcutta, submitted a proposal to the Postmaster-General, Bengal and Assam, for a large increase of the clerical staff and furnished statistics of work transacted by the office showing that the present clerical staff was utterly inadequate and was far below the requirements justified by the time-test now in vogue?

(b) If the reply to part (a) be in the affirmative, when was the proposal received by the Postmaster-General and what action was taken by him to increase the staff?

(c) Is it a fact that the Postmaster-General has, on careful scrutiny of the figures submitted by the Sub-Postmasters, found them to be substantially correct and has not denied the necessity for the proposed increase? If the reply be in the affirmative, what has led him to withhold his sanction to the increase of staff?

Mr. P. G. Rogers: An inquiry is being made, the result of which will be communicated to the Honourable Member. Government, however, understand that the Postmaster-General, Bengal and Assam, has, as an *ad interim* measure, already strengthened the office by the addition of 4 clerks.

OVERWORK OF THE STAFF OF THE BOW PAZAR TOWN SUB POST OFFICE.

411. Rai Bahadur Tarit Bhusan Roy: (a) Is it a fact that the Government recently appointed a special officer to inquire into the necessity of revising the present time-test and that the special officer has submitted his report recommending a general revision of the time-test on more liberal lines?

(b) Are Government aware that the entire clerical staff of the Bow Bazar Town sub-office recently sent a telegram to the Director-General of Posts and Telegraphs and the Postmaster-General, Bengal and Assam, drawing their attention to the fact that continuous over work under heavy strain was injuring their health and praying relief of their hardship?

(c) If the reply to part (c) be in the affirmative, what action, if any, has been taken by the officers addressed?

(d) Is it a fact that the question of increase of staff has been so long kept in abeyance on the ground of dearth of accommodation in the building where the post office is now located?

(e) If the reply be in the affirmative, what steps have been taken to secure a more suitable building and is there any chance of removing the Post Office to a more commodious building without delay and without causing inconvenience to the public now served by the post office?

(f) If the reply be in the affirmative, what time will be taken to effect the removal and increase of staff? If the reply be in the negative, how do the Government propose to settle the question of accommodation and increase of staff without further delay?

(g) When will the term of lease of the present building expire?

(h) Is the owner of the present building agreeable to effect an extension of the building so as to provide the requisite increase of accommodation? If so, at what additional rent?

(i) In view of the great hardship of the staff, are Government prepared to sanction an adequate increase of staff without delay?

Mr. P. G. Rogers: (a) The special officer appointed to inquire into the time-test has submitted his recommendations, which are now being considered by Government.

(b) Yes.

(c) and (i). The Honourable Member's attention is invited to the second part of the reply given to his unstarred question No. 410 answered today.

(d) Not entirely, though difficulty is being experienced for want of sufficient accommodation.

(e) and (f). The Postmaster-General, Bengal and Assam, has been directed to consider the possibility, either of acquiring a site for the construction of a Departmental building, with adequate accommodation, or of securing two rented buildings in separate parts of the Bowbazar area and dividing the work of the existing office between them.

(g) On the 30th June, 1931.

(h) Government understand that the landlord of the present building is ready to make some additions to the accommodation in return for an increase in the rent of Rs. 300 per mensem.

ANOMALIES CAUSED BY APPLICATION OF FUNDAMENTAL RULE 22 FOR REGULATING TRANSFER FROM STATION OR LOCAL TO GENERAL SERVICE.

412. Mr. Amar Nath Dutt: (a) Is it a fact that serious anomalies have arisen in the subordinate Telegraph Service by the Application of Fundamental Rule 22 for regulating the transfer from the Station or Local to the General Service and *vice versa*?

(b) Is it a fact that a Station Service Telegraphist on a pay of Rs. 125 draws a pay of Rs. 130 only per mensem on transfer to the General Service while one with the same length of service and appointed directly to the General Service or transferred from Station to General Service before the application of Fundamental Rule 22 draws Rs. 190 per mensem?

(c) If the reply to parts (a) and (b) be in the affirmative, do Government propose to take any steps to remove the anomaly? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government do not consider that the anomalies which have arisen from the application of the uniform principle laid down in Fundamental Rule 22 to all such cases are serious.

(b) The facts stated by the Honourable Member are substantially correct

(c) Government do not propose to take any steps in the matter. Fundamental Rule 22 is a statutory one, which Government cannot disregard.

SUPERVISION OF THE WORK OF GENERAL SERVICE TELEGRAPHISTS BY LOCAL SERVICE TELEGRAPH MASTERS.

413. Mr. Amar Nath Dutt: Is it a fact that a Station or Local Service Telegraph Master may be required to supervise the work of General Service Telegraphists who may be drawing higher emoluments? If so, what steps do Government propose to take to remedy the defect?

Mr. P. G. Rogers: The answer to the first part of the question is in the affirmative. Government do not recognise any defect in the system mentioned by the Honourable Member.

PAY OF CLASS III AND CLASS IV CLERKS IN DEPARTMENTAL TELEGRAPH OFFICES.

414. Mr. Amar Nath Dutt: (a) Is it a fact that in departmental Telegraph Offices class IV clerks are mostly recruited from the menial establishment?

(b) Is it a fact that until recently their pay was less than half of that of class III clerks?

(c) Is it a fact that the latter are recruited generally from outside candidates with University qualifications?

(d) Is it a fact that the difference in pay was due to the duties of the latter being far more arduous, intelligent and responsible than those of the former?

(e) Is it a fact that the pay of the class IV clerks has now been revised making it equal to that of class III clerks though their respective duties remain unaltered?

(f) If the replies to parts (a), (b), (c), (d) and (e) be in the affirmative, do Government propose to take steps to revise the pay of class III clerks? If not, why not?

Mr. P. G. Rogers: On the assumption that the Honourable Member refers to class III and class IV clerks in departmental telegraph offices, as they existed prior to the revision of pay in March, 1927, the replies are as follows:

(a) Yes.

(b) The Honourable Member's statement is approximately correct.

(c) Yes, if by "University qualification" the Honourable Member means that they must have passed the matriculation examination of a recognised University or its equivalent.

(d) Yes.

(e) No. The position is that the old class IV clerks, and the newly created class III clerks (not old class III clerks) have been put on the same footing both as regards pay and duties. The majority of the old class III have been promoted to the newly created class II, while the remainder are retaining the scale of pay which they drew in the old class III, until they too may be promoted.

(f) Does not arise in view of the reply to part (e) above.

INCREASE OF SELECTION GRADE APPOINTMENTS IN THE CLERICAL CADRE OF DEPARTMENTAL TELEGRAPH OFFICES.

415. Mr. Amar Nath Dutt: (a) Are Government aware that there are only 26 selection grade appointments in the clerical cadre of the Departmental Telegraph Offices in the whole of India and Burma, the total strength of which is between 1,200 and 1,300?

(b) Is it a fact that the number of selection grade appointments on the telegraph side is quite insignificant and compares very unfavourably with that on the postal side?

(c) If the reply to parts (a) and (b) be in the affirmative, do Government propose to increase the number of selection grade appointments?

Mr. P. G. Rogers: (a) The figures quoted by the Honourable Member are approximately correct.

(b) and (c). It is a fact that the number of selection grade posts in the clerical cadre is proportionately smaller in the telegraph than in the postal branch of the Department; but such posts are created entirely on considerations of the special responsibilities which may attach to them, and not in order to accelerate promotion or improve the prospects of a clerical cadre as a whole. Government do not therefore propose to order any general increase in the number of such posts in the clerical cadre of the telegraph branch.

NATURE OF INCREMENT TESTS FOR TELEGRAPHISTS EMPLOYED ON THE BAUDOT SYSTEM.

416. Mr. Amar Nath Dutt: (a) Is it a fact that telegraphists who have to work continuously and exclusively on the Baudot System without the chance of getting any practice whatsoever on Morse are compelled to pass their incremental tests on Morse?

(b) If so, will Government be pleased to state why they should not be allowed to pass these tests on Baudot or in the alternative why they should not be given at least four months' practice each year on Morse before they are compelled to pass in the same?

Mr. P. G. Rogers: (a) No. There is provision for the exemption by the Director-General of such telegraphists from passing the Morse test, provided they pass the Baudot signalling test.

(b) Does not arise.

REPLACEMENT OF TELEGRAPHISTS PERFORMING CLERICAL DUTIES BY CLERKS.

417. Mr. Amar Nath Dutt: (a) Is it a fact that the orders of Government on the recommendation of the Posts and Telegraphs Committee, 1924, to replace certain telegraphists performing clerical duties by clerks, have not been fully given effect to?

(b) Is it a fact that many such appointments are still held by senior telegraphists and telegraph masters?

(c) If the replies to parts (a) and (b) be in the affirmative, what steps do Government propose to take to enforce their orders?

Mr. P. G. Rogers: (a), (b) and (c) The orders of Government were issued in respect of 55 appointments. In 36 of these telegraphists on non-operative duties have already been replaced by clerks. Of the remaining 19 orders have issued abolishing one appointment and for replacing the telegraphists holding the other 18 by clerks, with effect from the 1st April next.

PAY OF CERTAIN CLERKS WHEN REPLACING TELEGRAPHISTS.

418. Mr. Amar Nath Dutt: (a) Is it a fact that a telegraphist holding an allowed non-operative appointment draws a total emolument of Rs. 330 including house rent?

(b) Is it a fact that when a clerk replaces the telegraphist in the same appointment he draws the pay of a class II clerk without any duty allowance?

(c) If the replies to parts (a) and (b) be in the affirmative, do Government propose to create suitable selection grade appointments for these clerks?

Mr. P. G. Rogers: (a) The figures given by the Honourable Member would only be correct in the case of a General Service telegraphist on the maximum pay, stationed in Calcutta or Bombay and residing there with his family. In other cases the total emoluments would be less.

(b) Yes.

(c) Government do not consider that the nature of the duties attaching to such posts justifies their being in the selection grade.

APPOINTMENT IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OF AN ACCOUNTANT IN CHARGE OF CASH BRANCH.

419. Mr. Amar Nath Dutt: (a) Is it a fact that in all offices of the Government of India including attached and subordinate offices the cashier is given a duty allowance for his monetary responsibilities and his work is directly under the supervision of the Chief Clerk or Chief Superintendent?

(b) Is it a fact that in the office of the Director General of Posts and Telegraphs the duty allowance has recently been withdrawn from the cashier and the Chief Superintendent relieved of the charge of the Cash Branch?

(c) Is it a fact that a selection grade appointment designated as accountant on Rs. 300—20—500 has been sanctioned for charge of the Cash Branch?

(d) Is it a fact that simultaneously with the appointment referred to in part (c) above, all work hitherto performed in that branch with the exception of the work of preparation of the establishment pay bills has been transferred to other branches of the office?

Mr. P. G. Rogers: (a) The arrangement described is the usual one.

(b) The cashier's duty allowance has not been withdrawn. The cash branch has been formed into an accounts and bills section, under the charge of one of the Assistant Directors-General, but the present Chief Superintendent, as a gazetted officer, has been entrusted with several duties in respect of the accounts and bills section.

(c) No new appointment of accountant has been created.

(d) Does not arise.

APPOINTMENT OF CHIEF SUPERINTENDENT IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

420. Mr. Amar Nath Dutt: (a) Is it a fact that a gazetted officer of the rank of Superintendent of Post Offices has been posted as Chief Superintendent in the office of the Director-General, Posts and Telegraphs?

(b) Is it a fact that the appointment of Chief Superintendent is a non-gazetted one open only to the Superintendents of that office?

(c) Is it a fact that Government created the cadre of Superintendents of Post Offices for holding charge of Postal Divisions?

Mr. P. G. Rogers: (a) and (b). The attention of the Honourable Member is drawn to the reply given on the 18th September, 1928, to Mr. Satyendra Chandra Mitra's starred question No. 653.

(c) Yes, but not entirely. There is no objection to a Superintendent of Post Offices being employed in the Office of the Director General in any special appointment.

PAY OF THE SUPERINTENDENT OF THE FINANCE, BUDGET AND STATISTICS BRANCH OF THE OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

421. Mr. Amar Nath Dutt: (a) Is it a fact that, unlike all other attached and subordinate offices of the Government of India, the appointment of the Superintendent of Finance, Budget and Statistical Branch of

the Office of the Director-General of Posts and Telegraphs carries a higher scale of pay, (*vis.*, Rs. 500—25—700), while all other Superintendents in charge of branches are in the scale of Rs. 300—20—500?

(b) Is it a fact that this higher scale of pay was sanctioned by Government on the recommendation of Rai Bahadur J. P. Ganguly a few years back more as a personal recognition of the services of Rai Bahadur C. L. Dutt, the then Superintendent who it was alleged had been carrying on the functions of a Superintendent as well as that of an Assistant Director-General?

(c) Is it a fact that at present there is in that branch one Assistant Director-General, one Superintendent of the grade of Rs. 500—25—700 and two others of the grade of Superintendents on Rs. 300—20—500 but doing the duties of ordinary Budget assistants?

(d) Is it a fact that the present Superintendent has been permanently appointed to the higher post in supersession of the legitimate claims of several senior Superintendents?

(e) Is it a fact that when the present Superintendent was first appointed to officiate in the higher grade some other Superintendents who were superseded memorialised the Director-General for being given a trial but their prayers were rejected?

(f) Is it a fact that there are several other branches of the Director-General's Office the work of which is equally if not more important than that of the Finance, Budget and Statistical Branch?

(g) If the replies to parts (a) to (f) be in the affirmative, why do Government not fix the cadre of all Superintendents of important branches of the Director-General's Office at Rs. 500—25—700?

Mr. P. G. Rogers: (a) The facts stated by the Honourable Member are substantially correct.

(b) No.

(c) Yes.

(d) The present Superintendent was selected as the most suitable man for this important post, after giving due weight to considerations of seniority.

(e) Yes.

(f) The work of the Finance, Budget and Statistics Branch of the Director-General's Office is essentially different from that of other sections of the office.

(g) Does not arise.

QUALIFICATIONS REQUIRED FOR CERTAIN APPOINTMENTS IN THE INCOME-TAX DEPARTMENT.

422. **Mr. K. O. Neogy:** (a) Will Government be pleased to state the minimum qualifications required of persons for appointment in the Income Tax Department under the Central Board of Revenue—specially of officers who are (or were) appointed on an initial salary ranging from Rs. 1,000 to Rs. 1,400 per mensem?

(b) Is there any difference of initial pay between a European and an Indian of equal merits?

(c) Is it a fact that Government once offered an initial salary of Rs. 500 per mensem to a qualified Indian Accountant, whereas an English Accountant of the same merit was appointed on an initial salary of Rs. 1,500?

(d) Is it a fact that when an English Accountant in Bombay was appointed on Rs. 1,500 per mensem, an Indian Accountant was appointed on Rs. 900 per mensem in the same province?

(e) Is it a fact that there are officers, other than qualified Accountants, who have been appointed on an initial salary of Rs. 1,400?

(f) Will Government be pleased to state the reason for appointing these officers on special pay?

The Honourable Sir George Schuster: (a) No minimum qualifications have yet been prescribed by the Central Board of Revenue, but as a matter of practice very high qualifications are insisted on by Commissioners. The Government of India intend to examine the whole question shortly.

(b) Not at the present time.

(c) I do not know exactly what cases the Honourable Member has in mind, but an instance which fits in with the wording of his question has actually occurred in Bengal. The implication of his question is however misleading. It is actually a fact that in Bengal in 1921 (that is to say before the constitution of the Income-tax Department on the present basis) an English accountant was appointed at an initial pay of Rs. 1,500. Recently, fully qualified Indian accountants have been available at much lower salaries. No English accountant has, in fact, been recruited since 1921 and there is no intention to recruit any in the future.

(d) It is a fact that an English accountant was appointed on Rs. 1,000—50—1,200 in 1919, and also that in 1922, after the creation of a special department had been sanctioned, an Indian accountant was appointed on Rs. 900, which represented, after the creation of the special department, the maximum pay of an Income-tax Officer in the Bombay Presidency.

(e) If members of the Indian Civil Service are excluded, the answer is in the negative.

(f) As already stated, the British accountants were appointed before the constitution of the Income-tax Department on its present basis, in order to deal with a large number of important assessments. The Indian accountant was appointed after the creation of the income-tax cadre in Bombay, and his pay was fixed at the maximum of his grade, because he was a man of considerable experience and was already holding a responsible post under the Improvement Trust, Bombay. Appointments of this nature have now ceased.

In general with reference to all parts of this question, I would remind the Honourable Member that it would have been easier for me to give him the information which he required if he had consulted me privately and told me exactly what cases he had in mind.

LIST OF QUALIFIED ACCOUNTANTS IN THE INCOME-TAX DEPARTMENT IN DIFFERENT PROVINCES.

423. **Mr. K. O. Neogy:** Will Government be pleased to give :

(i) A list of qualified Accountants now serving Government in the different provinces—in the Income-tax Department;

- (ii) The initial salaries at which they were appointed;
- (iii) Their present salaries, together with allowances, if any?

The Honourable Sir George Schuster: (i), (ii) and (iii). The Government will make inquiries and communicate the information to the Honourable Member.

NUMBER AND PAY OF ACCOUNTANTS IN THE INCOME-TAX DEPARTMENT IN BENGAL AND BOMBAY.

424. Mr. K. C. Neogy: In view of the fact that Government derive a larger revenue from income and super taxes from Bengal than from Bombay, will Government be pleased to state the reasons for appointing more qualified accountants in Bombay than in Bengal,—and for the discrimination in the starting salaries, if any?

The Honourable Sir George Schuster: There is no discrimination in starting salaries as between Bengal and Bombay, as assumed by the Honourable Member. Nor has it been the policy of Government to appoint more qualified accountants in Bombay than in Bengal. The Honourable Member may possibly have in mind the fact that two individual accountants were started in Bombay on high rates of pay. But these were special cases. There is no reason to suppose that the Income tax staff in Bengal, who have been recruited in recent years, along with the Provincial Civil Service, from among the best products of the Indian Universities, are not as efficient as the staff in Bombay.

I would also mention that it does not necessarily follow, because revenue receipts are higher in Bengal than in Bombay, that the work of the Department is more difficult or intricate in the former province. In fact a large part of the revenue in Bengal comes from public companies, and assessment and collection in the case of such companies is generally easier than in other cases.

FUNCTIONS AND SALARIES OF SENIOR INCOME-TAX AND SPECIAL INSPECTING OFFICERS IN BOMBAY.

425. Mr. K. C. Neogy: (a) Will Government state the functions of officers who are known in the Bombay Presidency as (1) Senior Income-tax Officer, and (2) Special Inspecting Officer, and the salaries drawn by them? What is the minimum qualification for these posts?

(b) Do Government consider it unnecessary to have similar posts created in Bengal, and filled with men with special qualifications? If so, why?

The Honourable Sir George Schuster: (a) The Senior Income-tax Officer has been assessing all the joint stock companies in Bombay and also some of the important assesseses with large incomes. The pay of the present incumbent of the post is Rs. 1,500—50—2,000, but in future vacancies, an income-tax officer on the ordinary cadre, of which the pay is Rs. 800 to Rs. 900, will be appointed, and will draw special pay of Rs. 150, in addition to his ordinary pay, and also compensatory allowance on the scale fixed by the Local Government.

The Special Inspecting Officer was appointed to check the refunds granted by income-tax officers and to assist in the inspection of income-tax offices. His pay is Rs. 1,000—1,200. But from next month, the status of the post will be raised to that of Assistant Commissioner.

No special qualifications have been prescribed in either case, but the posts are selection posts and will be filled from the cadre of income-tax officers accordingly.

(b) The answer to the first part is in the affirmative. The answer to the second part is as follows:

(1) There is no need for an appointment of Special Inspecting Officer in Bengal so long as Assistant Commissioners in Bengal are able—as they are at present—to attend to their inspecting duties, in addition to disposing of appeals. The post of Special Inspecting Officer was created in Bombay because the appellate work of the Assistant Commissioners in that Province was so heavy that they could not make any satisfactory inspections. Even now, the average number of appeals dealt with by an Assistant Commissioner in Bombay is much higher than in Bengal.

(2) As regards the Senior Income-tax Officer, it has been now decided that there is no need for a post on an exceptionally high rate of pay and that, as already stated, the work shall be done by members of the ordinary staff. The position at Calcutta was also reviewed and it was decided similarly that, at that place also, there is no need for an Income-tax Officer on a specially high rate of pay, and that the two ordinary income-tax officers doing “company” assessments should draw a special pay of Rs. 150 each.

I may mention that the high rate of pay of the Senior Income-tax Officer in Bombay dates back to the days when the administration was in the hands of the Local Government. At one time important assessments at Calcutta also were done by an officer of the rank of Assistant Commissioner, but this arrangement ceased when trained officers on the ordinary cadre became available.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

I am directed to inform you that the Council of State have, at their meeting held on the 23rd March, 1929, agreed, without any amendments, to the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, which was passed by the Legislative Assembly on the 16th instant

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 31st December, 1928.

HIGH COMMISSION

INDIA STORES

ABSTRACT OF CASES in which tenders for Stores demanded by the Central of the goods demanded, were accepted on the grounds greater facility of inspection,

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for ten

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Copper plates .	H. 1187/1738/2-7-28 .	Linley & Co. . .	539 16 6 (British).
Locomotive boilers, cylinders, etc.	H. 1302/3295/10-7-28 .	Sir W. G. Armstrong Whitworth & Co., Ltd.	70,466 13 0 (British).
Acidum Salicylicum.	H. 1592/146/1-8-28 .	May & Baker, Ltd. .	178 19 2 (British).
Copper firebox plates.	H. 1915/3021/17-8-28 .	W. Roberts & Co. . .	381 10 0 (British).
Mild steel . .	H. 2080/3431/24-8-28 .	Lewis Hunter & Co. .	726 5 0 (British).

MR FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description of superior quality, superior trustworthiness of the firm tendering, quicker delivery, etc.

31st DECEMBER, 1928.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 412 13 0 (German).	The indent indicated special urgency and stated that the plates were required to reach India by the 1st September, 1928. The delivery offered by the lowest tenderer would not have ensured the arrival of the plates in India before October, 1928, at the earliest. Moreover, delay in shipment was to be expected by reason of a dock strike at Antwerp and probable subsequent congestion at that port. The next lowest tender, which was accepted, promised to complete delivery in 6 days.
69,839 0 0 (German).	The lowest tender was from a Continental firm which had previously proved unsatisfactory in delivery. The second tender was preferred for this reason, and also because it offered better facilities for settling details of manufacture as the conversion sets for this class had not previously been made.
175 8 9 (German).	The accepted tender was the most advantageous, taking into account the relative costs of inspection.
335 0 2 (German).	The indenter had asked for very urgent delivery and immediate shipment; the tender of the firm offering quickest delivery was accepted.
647 2 7 (Belgian).	The indenter asked for immediate shipment and this could be complied with only by accepting the higher tender.

PART A.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheel centres .	H. 2360/3103/10-9-28 .	John Spencer & Sons (1928), Ltd.	420 0 0 (British).
Helical drawbar springs.	H. 2519/3915/22-6-28 .	Willford & Co., Ltd. .	2,700 0 0 (British).
Connecting rods and wheels with axles.	H. 3501/5853/29-11-28	North British Locomo- tive Co., Ltd.	560 0 0
	H. 3502/5853/29-11-28	Kitson & Co., Ltd. .	244 1 0
			804 1 0 (British).
Copper pipes .	H. 3850/6753/29-12-28	John Wilkes, Sons & Mapplebeck, Ltd.	138 15 6 (British).

contd.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 275 8 0 (Belgian).	The wheel centres were demanded in a telegram which stated that early supply was to be arranged. The four lowest tenderers offered long delivery and from experience of their previous records the earliest delivery that could be expected would be about five months. In view of the urgency the order was placed with the next tenderer who promised delivery in four weeks.
2,433 6 8 (German).	The springs were demanded in a telegram which stated that half the quantity should be shipped immediately and the balance as quickly as possible. The lowest tenderer required four months to complete delivery and, moreover, offered springs manufactured at works which had been found unsatisfactory in regard to delivery on former occasions. The order was, therefore, placed with the next lowest tenderer. The lowest tender was from a German firm who were unable to offer definite delivery owing to the lockout in the German steel works. The order was accordingly placed with the two firms who were next lowest.
781 10 0 (German).	
110 3 6 (German).	The copper pipes were required in Burma immediately. The delivery offered by the lowest tenderer would not have ensured arrival of the pipes at Rangoon before the end of March, 1929. The order was, therefore, placed with the next lowest tenderer for delivery from stock.

PART B.—Cases in which the discrimina

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Cambric . . .	H. 1801/2060/1-8-28 .	J. H. Greenhow & Co., Ltd.	3,723 19 2
	H. 1802/2060/1-8-28 .	F. Spinner & Co. . .	3,916 13 4
			7,640 12 6 (British).
Acidum gallicum, etc.	H. 1730/134/9-8-28 .	John Bell Hills & Lucas	55 15 8 (British).
Drying plant .	H. 2178/3010/31-8-28 .	Browns' Dryers, Ltd. .	834 0 0 (British).
Couplings for vacuum brake hose- pipes— 6,000	H. 2529/3018/22-9-28 .	A. G. Wild & Co. . .	387 10 0
13,800	H. 2530/3018/22-9-28 .	Consolidated Brake & Engineering Co., Ltd.	1,063 15 0
19,800			1,451 5 0 (British).
Lint plain . . .	H. 3705/6304/14 12-28.	Southall Bros. & Barclay, Ltd.	117 19 4 (British).

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
<i>£ s. d.</i> 7,447 18 4 (British).	The firm who tendered lowest had not previously executed a contract for the Department, and it was therefore decided to divide the order between the two lowest tenderers.
54 13 5 (British).	The accepted tender was considered to be the better offer, having regard to the cost and convenience of inspection.
793 0 0 (British).	Accepted on the grounds of the superior type of plant offered, which represented more than the difference in price between the two quotations.
1,273 15 0 (British).	The indenting officer requested that quotations should be obtained and the lowest cabled to him together with the probable date of shipment. Details of the lowest tender and of the tender offering the earliest delivery were accordingly cabled to the indenting officer who, in reply, requested acceptance of the latter. It was possible, however, to secure equal or better delivery at a lower price by dividing the contract between the two tenderers and orders were placed accordingly.
113 3 7 (British).	Accepted on account of the superior quality of the goods offered which represented more than the difference in price.

PART C.—*Cases in which the*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Screws, brass .	H. 3689/4361/13-12-28	Papier Hardware Co., Ltd.	193 0 7 (Dutch).
Steel tyres .	H. 2879/4069/19-10-28	Groupe Francais (1,000 tyres).	2,366 13 4 (French).
	H. 2880/4069/19-10-28	Fried, Krupp, A. G. (1,000 tyres).	2,437 10 0 (German).
	H. 2881/4069/19-10-28	Vereinigte Stahlwerke A. G., Bochumer Verein (1,200 tyres).	5,085 0 0 (German).
	H. 2882/4069/19-10-28	W. Beardmore & Co., Ltd. (458 tyres).	1,524 15 0 (British).
		Total .	11,413 18 4

discrimination is between foreign firm

Lowest Tender not accepted.	Reason for acceptance.
<i>f. s. d.</i> 185 0 10 (German).	Accepted on account of the superior quality of the goods offered which represented more than the difference in price. The demand was for 3,658 tyres for locomotive and wagon wheels, some being urgently required. The lowest tender was from the Groupe Francais. This firm had not previously manufactured tyres for India and the contract was too large to be entrusted to an untried firm as a trial order. It was therefore decided to divide the contract, a sufficient trial order being given to the Groupe Francais and the balance being divided among the three firms who were the next lowest suitable tenderers for the items allotted having regard to cost of inspection.
11,147 1 10 (French).	

Mr. P. G. Rogers (Director-General, Posts and Telegraphs): Sir, I beg to lay on the table the information promised in reply to the supplementary question to starred questions Nos. 817 and 818 asked by Mr. W. S. Lamb on the 26th February, 1929, regarding the value of money orders issued from post offices in Burma to India during the period from August 1927 to January 1929.

Statement showing the value of Money Orders issued from Post Offices in Burma to India during the period from August 1927 to January 1929 (18 months).

Name of offices.	Value of money orders issued.	Remarks.
	Rs.	
All offices in Burma	9,81,87,025	
Yenangyaung (Upper Burma)	3,26,760	
Nyaungghla	5,29,887	
Chauk	4,24,709	

Mr. Sarabhai Nemchand Haji: May I inquire if a similar statement, as suggested by me last time, will be laid on the table of the House giving the monies sent from Burma to England and Scotland as well?

Mr. P. G. Rogers: I can give the information to the Honourable Member if he wishes to have it

Mr. Sarabhai Nemchand Haji: I did ask for it last time

THE INDIAN FINANCE BILL—contd.

Mr. President: The House will now resume further consideration of the Finance Bill clause by clause. Honourable Members are aware that clause 6 has already been passed; and the Honourable Mr. Ram Narayan Singh wants to add a new clause 7 to the Bill.

(Mr. Ram Narayan Singh rose in his place.)

The Honourable Sir George Schuster (Finance Member). On a point of order, Sir . . .

Mr. President: I think the point is quite clear and I need not hear the Honourable Member. The Honourable Member's (Mr. Ram Narayan Singh's) amendment is out of order.

The question is.

"That Schedule I to the Bill stand part of the Bill"

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammādan Rural);

I beg to move:

"In Schedule I to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted.

'For a weight not exceeding one tola—Half an anna

For every tola or fraction thereof exceeding one tola—Half an anna'

This is an old, old demand, and I think I shall be faced with the same old, old objections on the part of the Government as in the past. I have tabled this amendment in the hope that Government may see their way to accede to our demand. No doubt, this is a question of money, and the Honourable Member in charge, who is an honours man in mathematics, will bring out figures in his reply. But I believe that, besides mathematics, there are other subjects which Honourable Members, who are entrusted with high administrative offices, should study before they can ask us to accept all they say or to accept all they wish us to believe. Be that as it may, I ask this House to consider the advisability of accepting this amendment on more grounds than one.

In the first place, in a poor country like India the postage rate which has been introduced for the last few years is inordinately high, and any Government which has any consideration for the governed should give more facilities for communications by making postage rates cheaper. In asking Government to reduce the price of postage stamps from one anna to half an anna for letters my object is to give facilities for confidential communications which a man would not like to make in an open postcard. Besides confidential communications, there are a class of letters which, my Honourable friend, who is in charge of this Department, although now too old, may remember when he himself might have required long letters to be written; but if my Honourable friend and myself have passed that stage, still we have to look to consider the necessity of our grandchildren who may have necessity for long letters and whose private purse probably is not as large as ours. Even in business communications there are, I submit, certain confidential matters which cannot be written in postcards. So, it is an absolute necessity that letters in envelopes should be made as cheap as possible. I do not care to trouble myself with the profit and loss of the Department, for I believe that no civilised administration should be actuated by any motive of profit and loss in a department which they believe to be a civilising agency. Either they do not believe it to be a civilising agency—then they ought to abolish the Postal Department—or if they do believe it to be a civilising agency, they ought to make it as cheap as possible. Further, whom does this increase of postage rates from half an anna to one anna benefit, for we know ordinarily thick papers are used by the richer people? The poor man cannot afford to purchase thick paper and he does not use thick paper. It is only the richer people who use it, as also big capitalists and business men, only these capitalists and business men have been benefited because they can send $2\frac{1}{2}$ tolas of paper for one anna stamp. Why should they have this advantage? Let them pay more; we have no objection to that. But why should the poor people be not given an opportunity for sending their confidential communications at a cheaper rate. Sir, there are also other amendments on the paper, which will be taken up in order and therefore I firstly recommend acceptance of this reduction of postage rates for letters, before we come to postcards. I hope that the Honourable Member in charge of the Department will see his way to accept it.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I did not expect from my Honourable friend, Mr. Amar Nath Dutt, the speech to which I listened after the other speech to which I had the pleasure of listening in this House a few days ago. I think he said then, that in the days of the Vedas, there was no post office, and therefore the post offices should be abolished. I wish that he had followed that principle right through; that when he voted the Demands for Grants, he had voted down the Demand for the Post Office, which would have led to the abolition of the post offices and would have automatically led to the abolition of these postal rates. My Honourable friend unfortunately is not serious, and he apparently wanted to take a sporting chance whether he would be able to persuade me to agree to this chimerical idea of his about reduction of postal rates.

I do not propose, on the present occasion, to take any considerable portion of the time of the House, because, as my Honourable friend rightly said, I have dealt with this question of reduction of postal rates time after time during the last 4 years. I would suggest to him to read all that I have said on the subject

Mr. Amar Nath Dutt: Read ours also.

The Honourable Sir Bhupendra Nath Mitra: I have read all that my Honourable friend has said. He has added nothing on the present occasion; and whatever he has said in the past I have already answered. I shall simply say a few words in connection with the specific amendment before the House. My Honourable friends wants the letter rate for a weight not exceeding one tola to be reduced to half an anna and to put in an extra half anna for every tola or fraction thereof exceeding one tola.

12 Noon. I think, on a previous occasion, I explained to him and to the House that the cost of that measure would amount to 150 lakhs a year. The reason is that the experience in every civilised country, including India, is that, if a reduction is made in the initial unit of weight on which the lowest rate is charged, the bulk of the traffic almost immediately tends down to that initial unit. In 1921-22, in deference to the wishes of this House, we had a rate of postage of half an anna for a weight not exceeding half a tola. The traffic carried on this initial rate of half tola was found to be about 80 per cent of the total traffic and the traffic carried at the next higher rate of $\frac{3}{4}$ anna, which was charged for weight exceeding half a tola, but not exceeding one tola, was 10 per cent. of the total traffic. On the basis of that experience, and with reference to the traffic carried in recent years we have estimated that the acceptance of the amendment proposed by my Honourable friend will lead to a loss of revenue of 150 lakhs a year and we cannot afford it. Therefore, Sir I am compelled to oppose the amendment.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, the reason for increasing the rates of postage is said to be due to a deficit in the budget in the year 1921. If the increased rate was confined to the years in which there was a deficit, then people would not have complained, but this increased rate has been continued from year to year, without reference to the years being fat or lean. Subsequent to the year 1922, there have been six surplus budgets, and yet this increased rate continued. It is admitted that, since the raising of the rates, there was a fall in the communications sent through the post office. That is

proof enough that the poor man, who could post letters when the rate was low, could not do so when the rates were raised.

The Honourable Sir Bhupendra Nath Mitra: I would suggest to the Honourable Member to read again the speeches I made in that connection in the years 1927 and 1928.

Mr. V. V. Jogiah: It is stated that the reason for not reducing this rate is that there will be a loss to the Postal Department, but I submit that, if the Postal and the Telegraph Departments are not taken together for budget purposes, there would accrue no loss to the Postal Department, even if the rates be reduced. As a matter of fact, I am informed that the loss that is shown with regard to this combined Department is due to the expenses incurred in the Telegraph and Telephone Departments.

The Honourable Sir Bhupendra Nath Mitra: May I refer the Honourable Member to page 4 of the Detailed Statements in support of Demands for Grants for Posts and Telegraphs for the year 1929-30, which will dispel that fiction?

Mr. V. V. Jogiah: That was the argument advanced, as I see from the previous speeches made during the last year and the year before. At any rate, this is such an important matter to the poor that Government, in spite of some loss, that will be sustained, should be prepared to reduce the expenditure, in order to enable the poor man, who is living far away from his kith and kin, to communicate his thoughts and his welfare through the post. We find that the poor man, who can scarcely keep body and soul together, has been put to the additional expense of spending more upon his letters than before. I would therefore submit that this is a matter, in which Government, should take the condition of the poor people into consideration, and without reference to the loss that will be sustained, should come to the help of the poor and reduce the rate.

Some Honourable Members: The question may now be put.

Mr. President: The question is:

"That in Schedule I to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted:

'For a weight not exceeding one tola—Half an anna

For every tola or fraction thereof exceeding one tola—Half an anna.'"

The motion was negatived.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): I rise to move the amendment that stands in my name to the effect that:

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Quarter of an anna.

Reply—Half an anna.'"

I do not propose to tire the House with a recital of statistics. There is one point which I have in common with Mr. Jogiah, which I must deal with at some length, although it has been controverted by the Honourable Member in charge. I do believe, from the facts and figures that have been

[Mr. M. K Acharya.]

placed at my disposal by the Department, that the Postal Department has been showing, during the past three years, excess of revenue over expenditure, whereas the same thing cannot be said of the Telegraph Department. Here are figures supplied to me by the Department. With regard to the Postal Section, in 1925-26 the revenue was Rs. 6,98,44,811, and the revenue expenditure Rs. 6,49,56,409, giving a surplus of 49 lakhs roughly. In 1926-27, it was Rs. 7,24,64,116 and the revenue expenditure was Rs 7,03 lakhs and odd, giving a surplus, so far as the Postal Department alone is concerned, of 21 lakhs. In 1927-28 the revenue was Rs 7,45,16,000 and odd, revenue expenditure Rs. 7,40,70,888. All along therefore I contend that the revenue from the Postal Department has been in excess of the revenue expenditure—in other words the Postal Department, during the past three years, has been making a profit, so far as what may be called the ordinary revenue expenditure was concerned. Of course I know there is what is called capital expenditure, but I do not believe that we shall be right in adding on capital expenditure to be borne by the ordinary revenue from the Postal Department. On the other hand, Sir, here are the figures for the Telegraph Department. In 1925-26 the revenue was Rs. 3,22,92,000 and odd. The revenue expenditure was Rs. 3,34 lakhs and odd, which means a net loss of about 12 lakhs. Similarly, in 1926-27, the revenue was 3 crores, 28 lakhs and odd, and the expenditure was 3 crores, 39 lakhs and odd, and there was again, therefore, a net loss of 11 lakhs and odd. In 1927-28, the revenue was Rs 3,37,54,744, and the expenditure was 3 crores, 68 lakhs and odd, which again means a loss of 31 lakhs. I do not believe I have got this year's little book before me, from which Sir Bhupendra Nath Mitra was trying to read (*The Honourable Sir Bhupendra Nath Mitra*—'Here it is'), but if these figures are correct, I am bound to believe them and draw the correct inference therefrom; and if there are any other figures which do not tally with these, I shall come to the conclusion that those other figures are wrong. It is much better for me to assume that those figures are wrong.

Mr. K. Ahmed (Rajshahi Division · Muhammadan Rural) · Who gets the benefit of it?

Mr. M. K Acharya: I get the benefit. My copy is dated the 22nd February, so I claim to have the latest figures in my hands. The latest figures lead me, I say, to the incontrovertible conclusion that, so far as the Postal Section is concerned, for the past three years the revenue was more than the expenditure, and the expenditure of the Telegraph Section more than the revenue. I daresay that my Honourable friend there, with the benefit of the larger facilities he has, will probably be able to give us other facts and figures. However, without juggling with these facts and figures—facts and figures are always capable of being juggled with in the hands of my capable friend there—I say, on behalf of the ordinary man in the street, that the Postal Department has been paying while the Telegraph Department has not been paying. I don't think, I shall be wrong in saying that the Telegraph Department has not been paying. There has been what may be called a series of deficits in the combined Postal and Telegraph accounts.

It would no doubt be very interesting to go into those facts and figures, but I know for one thing that the House is too tired to be willing to go into such detailed statistics, but we all know that the Telegraph Department has been working at a loss for several years. I believe this is due to several causes. For one thing I find that the growth in the revenue from what is called Press Telegrams has not been increasing in the same proportion as the income from private messages. I am not objecting to the concessions afforded by the State to those who send Press telegrams. If my memory does not fail me, I believe it was in the old days, when Lord Curzon was Viceroy of India, that he was very keen and took it into his head to say that Press Telegrams should be charged at considerably reduced rates. This was done on larger considerations of State policy. It was in Lord Curzon's time that this policy was introduced of cheapening Press telegrams. I consider that such a policy is a good one. It is very good to be philanthropic and charitable, but at whose expense? Why should the State show all this charity at the expense of the poor man? I agree with Diwan Chaman Lal that nothing should be done at the expense of the poor; I am also a champion of the poor. Why should the poor man have to pay one anna per word for a telegram, while the Press pay only 2 pies per word? I am not complaining against Press telegrams. I also wish to have Press telegrams, the fullest and the best that I can get. This I say as a newspaper reader, but as an ordinary citizen of the country, whereas my ordinary message is charged for very heavily, the charges on the Press messages of my friend there are practically very light. There are very many other concessions also I am told. If I want to send the same telegram to Madras, Calcutta and Bombay, I am charged for three telegrams, whereas my friend will send the same Press telegram to any part of India and is charged for only one message *plus* copying charges, 4 annas, I think, or whatever it may be. It may be that the Press messages number 500 words and they take precedence of all messages. Everything has to wait till the Press messages are disposed of in the Telegraph Office; and therefore in this way there is considerably more favour shown to Press messages than is shown to ordinary messages, and the figures, to that extent, are misleading. In the case of private telegrams, for the year 1925-26, the revenue was only 2 crores and odd while for Press telegrams it was only 4 lakhs and 59 thousand. The number of messages, of course, is correspondingly less, but no doubt one press message may be equivalent to 100 private messages, that is to say, the number of words that would go into one press message would perhaps be equivalent to the number of words on not only six but many times six private messages. Therefore, whereas the revenue from private messages was two crores and odd, only 4 lakhs and 59 thousand constituted the revenue from Press messages for the year 1925-26. In 1926-27 the revenue from private messages was 1 crore and 97 lakhs and odd, and that from Press messages was only 5 lakhs and 81 thousand. In 1927-28 the income from private messages was 2 crores and odd, and that from Press messages was only 5 lakhs and 77 thousand and odd. This is ample proof that there has been a great inferior revenue, so to speak, from Press messages. There is again the staff that has to be employed for these Press telegrams, which has been very large, and they must be getting larger every year as the Press messages increase every year.

What I am trying to get at is that we doubtless want Press messages, we want the Press to get every possible help; but why should this be at the cost of the poor man? Let the Government allot a certain sum for Press

[Mr. M. K. Acharya.]

messages; let them give a grant of 10 lakhs or 10 crores, or whatever they think necessary, but they must not mix business and charity, which cannot go together. Even business people do their business on ordinary business lines, and when they want to show charity they put it apart. Let the Government of India indicate to what extent they could help the Press. Let them set apart a sum of money, but not include it in the ordinary telegraph charges.

The Revd. J. C. Chatterjee (Nominated Indian Christians): The charge has to be met all the same.

Mr. M. K. Acharya: In the long run, it may be the same; but here, so far as his Department is concerned, my Honourable friend, Sir Bhupendra Nath Mitra, will not trouble himself to find money for working other departments. It may be that the Political Department, or some other department of the Government of India will find the money, but it will not be the same so far as the Postal and Telegraph Departments are concerned. I contend that the figures show that there is enough revenue, probably more revenue, than is required to meet the ordinary expenditure of the Postal Department. In other words here comes the difficulty. When you want to work a department commercially, when you want to show that the expenditure is within the revenue, when you want to see that the Telegraph and the Postal Departments are worked on what are called business lines and when, at the same time, you tag on this charity business, or special treatment business, then comes the difficulty. The Departments together do not pay; a recurring deficit is being shown, year after year, against the combined Postal and Telegraph Departments. Therefore, it is not whether the Government of India find the money or not, it is whether the ordinary man, who uses the postcard, who uses the telegraph wires for sending an ordinary message, whether he is to keep up the white elephant of the Press, or the white elephant of the aero-transmitting machines, and things of that kind, and the various other developments that are being brought into the sphere of the Telegraph Department. I am told that very many experiments, very interesting but very costly experiments, are being made in the Telegraph Department, but that the expenditure is all being met from the ordinary revenues. Therefore I still hold that the practice of the Government now prevailing, namely of putting the postal income and the telegraph income together, and putting up all the expenditure together, and showing at the end, that there is a deficit in the combined accounts of both the Departments, I say that this practice leads just to this inconvenience, that we really do not know who exactly it is that should be taxed more. If there is really a loss in the Telegraph Department, very well, by all means increase the telegraph rates. The poor man may use the telegraph wires once a year; he may send a message once a year or even not at all. If it is proved to the satisfaction of the House that the Telegraph Department cannot manage without additional income during the year, then increase the telegraph rates. I am not advocating it. I believe it is not necessary.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Then, what do you advocate?

Mr. M. K. Acharya: I advocate that the Government of India must find the money if they want to give special treatment to any one using

the Telegraph Department instead of to the poor man who uses the post-card I have been pointing out how the poor man, who uses the post-card, is hit hard by the present arrangement, and if the Honourable Member had been absent for the past fifteen minutes, and so did not listen to my arguments, it is not my fault. Not that I am against the Press, or against the new experiments in the Telegraph Department. What I am urging is this: do not make the ordinary poor man, who uses either the Postal or the Telegraph Department, pay for the charity or the special treatment that you are giving to the Press. So far as my little argument is concerned, my arguments are very clear. The revenue from the Postal Department for the last three years has been in excess of expenditure.

The Honourable Sir Bhupendra Nath Mitra: By how much?

Mr. M. K. Acharya: By several lakhs. In 1925-26, it was 49 lakhs, in 1926-27, it was 21 lakhs and in 1927-28, it was five lakhs.

The Honourable Sir Bhupendra Nath Mitra: There you are, five lakhs.

Mr. M. K. Acharya: Quite right. Therefore, there has been a continuous surplus. I believe with a certain amount of greater economy, there will be more surplus. The average for the past three years is 25 lakhs per year. I know, Sir, what the argument of the Honourable Member is going to be. He will say a deduction in postal rates means a loss of 50, 60 or 75 lakhs and that it cannot be borne by the Department during the coming year. I meet it in this way; firstly economy is still possible, economy to the extent of 20 or 30 lakhs is still possible. Secondly reduced priced postcard may bring in a larger revenue. (Hear, hear)

The Honourable Sir Bhupendra Nath Mitra: How?

Mr. M. K. Acharya: Where we write one postcard now, we shall write two postcards, and we may even be tempted to write four.

An Honourable Member: Question.

Mr. M. K. Acharya: Anything under the sun is questioned. God's very existence is being questioned. I am not surprised that, in the world as it is at present constituted, there is nothing under the sun which is not questioned. However, I am not going to be afraid of it. If the Honourable Member tries this experiment, and if next year he comes down to this House and says, "Here we have been working at a dead loss, there is a deficit to be met with, the prophecy of that poor Brahmin has not borne fruit; we have not had much increase in the consumption of postcards, and there is really deficit in the Postal Department," if he comes and says this, I am sure, even my Honourable friend, Diwan Chaman Lal, will be willing to consider the position afresh, from the point of view of new statistics supplied to us. But on the statistics that are now placed before us, I do contend that there is no case for keeping on this half anna postage. I am not pleading for those who write big letters; I am pleading for the poor man, who purchases a postcard and goes to the nearest scribe, tells him what he wants to be written on the postcard and then posts it. I am pleading for that poor man. In his case there is a very strong reason why the Government of India should not relax its business canons.

The Revd. J. C. Chatterjee: He has to pay to the writer one anna

Mr. M. K. Acharya: Most of my arguments apply only to the poor man) and he will be materially helped by my proposition. I do not want this charitable business to be carried on by this Department. Even granting that the poor man has to pay one anna to the writer of the postcard, at the present rate, he has to pay $1\frac{1}{2}$ annas for a card to be written and posted (one anna to the writer and half anna to the Postal Department). If my proposal is accepted, you save one pice for the poor man, because he will have to pay only $1\frac{1}{2}$ annas. To the extent of a quarter of an anna, the poor man will be saved, and that is really worth gaining for the sake of the poor man. I therefore contend that there is really a *prima facie* case for the reduction of the postcard from half anna to quarter anna. I beg all my Honourable friends to take the matter seriously. Of course, we are not, for all time to come, reducing the postage. We know that, some years ago, the postage was one quarter anna, and during those days the post office did work all right. I know there has been increased expenditure; I know there has been increase in the pay and emoluments of the postal servants and so on. I know all that. But knowing all that, even wishing that there should be further increase in certain very deserved quarters, in spite of all that, I feel that the time has come when the same policy, which leads to cheap telegraph rates, must lead, even with greater force, to cheap postcards. On behalf of those who consume postcards, I strongly commend my amendment. Sir, I move my amendment.

Pandit Thakurdas Bhargava (Ambala Division. Non-Muhammadan): Sir, when I see these empty benches of the Swaraj Party and my own Party, I see the advocacy of this cause is in the nature of a forlorn hope. I am convinced that it is not, because the Honourable Members, who are absent, do not feel as much as I do on this question, but of late a feeling has risen in the minds of many Honourable Members that the Government do not listen to even very reasonable proposals from this side of the House. That accounts for the absence of so many Honourable Members in this House at this moment. I feel that the way in which this question is looked at is, to say the least, very deplorable. Every year this question is raised, and the reply that is usually given by the Honourable Sir Bhupendra Nath Mitra is that this is a Commercial Department, and therefore, unless it pays its way, there is no chance of a reduction of postal rates. Every year the argument is put forward that this side of the House regards this question of the Postal Department as a nation-building department, but the points of view of the Government and the people materially differ in this respect.

Now Sir if this argument of the Department paying its own way was pushed too far logically, it would follow that many departments of Government would have to be closed. I want to know in what sense is this Postal Department a special commercial department? Is the Army Department a commercial department? Is the Telegraph Department a commercial department? Now, the policy of tagging on the Telegraph Department to the Postal Department is one which is to be deprecated. Last year, I also submitted, in this connection, that if it was merely a question of providing easy means of communication to the general public, as such, then this Department should be tagged on to Railway Department, so that ultimately the result would be cheap postal rates. Now, it is said that this Department is running at a loss. This point has been taken up by Mr. Acharya, and I do not want to repeat his

reasons. Anyhow, I want to submit that, even if it is taken that this Department cannot pay its way, I will submit that there is no reason why, from the general revenues of the country, a subsidy cannot be paid to this Department, so that it may be within the easy possibility of the poor public also to utilise this Department. If you just look at the efforts made in other countries in the way of cheapening postal rates, you will find that, even in England, this effort has succeeded partially. In 1922, when these postal rates were increased, it was not due to the Department being run at a deficit, but it was, as a war measure, and as such I submit that war being over, this increase should have been over too. But it is the habit of Government that, once they increase the rates, they do not reduce them afterwards.

Furthermore, Sir, as has been submitted just now by Mr M. K. Acharya, the rates in the Telegraph Department need not be higher than what they are at present. As a matter of fact, the poorer public have very rare occasions to utilise the Telegraph Department, and they would not like that the telegraph rates should rise still more; but if the rise is really inevitable, it is but meet that such rise should be with reference to the extent to which the Telegraphic Department is being utilised by the poor people. Now, Sir, education, according to statistics, is said to be increasing day by day, and it ought to be the concern of the Government to see that the people utilise this Department as an educational department. I know that the reply would come that this will result in a loss of 50 or 80 lakhs of rupees. Whatever be the difference between the income from the pice postcard and the two pice postcard—the amount should be considered to be utilised for educational purposes. A similar argument was addressed to this side of the House last year, and I replied to that argument I need not repeat it now; but it was stated by the Honourable Sir Bhupendra Nath Mitra that the postmen belonging to this Department, whenever they went to a village, were more welcomed by the people than perhaps the chaprassi of any other department or the policemen, who are not so much liked by the people, and that the isolation of these villages should not be too often disturbed by the postmen going to the villages more often than they do now.

Now, Sir, it cannot be denied that, so far as the Telegraph Department is concerned, any reduction in the rates will benefit the richer classes and the middle classes, but so far as the postcard is concerned, every poor man who has the occasion to use the postcard will be benefited. Moreover, in every possible thing in which the Government of India want to make people understand that they are doing some good, it has always been found that the people who benefited most were the richer people and not the poor public. For instance, in regard to the question of the cheapening of the railway rates, it was found that those who travelled less than 50 or 60 miles were not benefited; while, as a matter of fact, the average number of miles travelled by a man is about 33. Similarly, whenever any concession is made, the benefit of it goes only to the rich. I submit the poor man will certainly bless the Government of India if they decide to reduce the price of the postcard, which is more used by them than by the rich. Considered from all these standpoints, I submit that the price of the postcard should be reduced to a pice.

Mr. V. V. Jogiah: Sir, I wish to add only one word to what has been said in regard to the increase in the rate of postcards. The increase of

[Mr. V. V. Jogiah.]

the rate on postcards has pressed more unduly on the people than even the increase of the rate on letters. Government may charge higher rates for telegrams and use of telephones and reduce the rates on the postcards. Let not Government punish the poor for the benefit of the rich. Another aspect to be considered is whether revenue of this sort has, so to say, no recuperative energy. I submit that any immediate loss will surely be compensated by the increase in the extra volume of correspondence. It is therefore, neither just nor generous, nor even expedient, that Government should continue this high rate on the postcard. I am sure that a reduction in the price of postcards will evoke a warm feeling of gratitude in the poor people.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur cum Orissa. Muhammadan). Sir, let me, at the very outset, say that I do not approach this question from the financial point of view; I look at this question from the poor man's point of view. To compel the poor and the hungry man to pay two pice instead of one for a postcard is simply unjust. I think you can as well increase the rates on envelopes and telegrams and other things; but in the case of the postcard, I say it is not just. Here in India there are hundreds of thousands of people in the villages who do not know how to write, and so, if you ask them to pay two pice instead of one pice, it is not only two pice that they will have to pay—sometimes they are most of them illiterate and literacy has not advanced very much—but they will have to pay one or two pice more to the people who have to write the cards for them. So that, the poor man will have to pay three or four pice instead of two pice. Therefore, purely with a view to remove the grievances of the poor man, you ought to reduce it; and again, if you reduce the price of the postcard, I am sure the revenue will increase—that is my opinion. For instance, the revenue has been fluctuating from 1916 onwards. In the year 1916-17, the number of postcards sold was 509,800,270. In 1921-22 it was 648,470,932; and in 1925-26, it was 550,648,307. So, it has been fluctuating. It is quite possible that, if you reduce the price from two pice to one pice, there will be greater consumption and the poor people will take to writing postcards more often than at present. If you give them the necessary facilities, by selling these cards at cheap rates and at different places, I am sure, the State will gain. No doubt there may be an immediate loss of about Rs. 70 or Rs. 80 lakhs; but if the Government do not consider this as a business proposition, and if they wish to help the poor people, the labourers, they must reduce the rate. This is a question of capital and labour. You help the capitalists in so many ways, but you don't help the labourer. That is the general impression—that you help the rich, and that you do not care for the poor. That is the real position. My point is: why should you be robbing Peter to pay Paul? Why should you ask the poor people to pay more so that the rich may be benefited? I do not want the Government to lose anything by reducing the rate, but I am sure the immediate loss may be covered by reduction of expenditure and by retrenchment, if necessary. If you continue this high rate, you would not have the blessing of the poor, and there will be discontent among them. From the people's point of view, from the Government point of view, and from every point of view,

I think the unrest here is economic, not only political. If there is agricultural unrest, you know people are poor and starving, and that unrest should not be increased. So I say, that, from the point of view of the Government, from the humanitarian point of view and from the people's point of view, the rate should be reduced. I therefore support the amendment that has been moved, Sir.

(Mr Amar Nath Dutt and another Honourable Member rose in their places, Mr. President called Mr. Amar Nath Dutt.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural).—Let the Honourable Member speak first, Sir.

Mr. President: The Honourable Member is called upon to speak. If he does not speak now he will not be called upon again.

Mr. Amar Nath Dutt: Sir, a similar amendment stands in my name. I am pretty sure that the eloquent appeal of my old and valued friend, Khan Bahadur Sarfaraz Hussain Khan will not melt the stone heart of the Government Member. We have been seeing, during the last few years, that he keeps two hearts, one the human and the other the governmental. It is our misfortune, Sir, that this demand for reduction in the postal rates which affect the poorest in the country has to be brought forward, year after year, by the representatives of the people and refused year after year by the Government. The same arguments will be applied here as have been applied to the reduction in the case of postage on letters. But they won't appreciate another cogent argument which ought to influence all human actions if they are to be humane at all. I know of course that Members of Government and the Government which they serve are not humane. Here is a Member, who styles himself Member for the Department of Labour and Industry. It would have been better if that Department had been named Exploitation of Labour. It is not to help labour, it is not to minimise the difficulties of labour, it is not to give them food and clothing, that this Department exists. I do not blame the Honourable Member in charge of the Department personally. He is merely a tool in the hands of a vicious system of administration which he has to carry on which it is his misfortune—I do not know whether he considers it to be a misfortune—but it is his misfortune to carry on. Be that as it may, Sir it has been said more than once, that if the postal rate is reduced, then we will not be able to meet the expenses of the Department. I ask them, is your military expenditure calculated and budgeted for according to what you get by your expeditions over the North-West Frontier and elsewhere? Do the other Departments of Government realise any money in order to carry on their Departments? Is it only when the poor are to be exploited that these things come in. No doubt I must congratulate the Government on their impartiality in taxing both the rich and the poor. Look at the Income-tax; look at the postal rates, look at the salt duty; look at excise. Whether it is champagne, or whether it is country liquor, you have to pay tax before you can get it. Champagne may be for the rich, and country liquor for poor people, but they are both taxed alike. Whether you earn an income of Rs. 80,000 per year or lakhs or whether you have a poor income of say Rs. 5 or 6 thousand rupees a year, you will be taxed alike. Whether you write from palace to palace or from a city like Calcutta to the Imperial city

[Mr. Amar Nath Dutt.] of Delhi, or whether you write from one poor insignificant village to another insignificant village, and even though the writers may be people who can hardly collect together two pice at a time, you are to be taxed alike. So I congratulate the Government on their impartiality in matters like these. But cannot they be a little human and humane in this matter? Sir, I remember the ridicule with which an utterance of mine was received by the Honourable Members on the other side, for my having unfortunately in this House referred to the Golden Age of India, the Vedic Age, when there was no post office in our country. But I am sorry that an Indian Member should have nothing but ridicule for an utterance which refers to the Vedic Age and our glorious past. It is, I suppose, useless for me to remind him of those oft-quoted lines:

*"Taha taba louha lostra o prastar
Hay naba saryata,
Dao sai glansheen dinguli,
Sai saudhya enan Sai santa sam gun,
Nibar dhanyer musti,
Balkal basan,
Magna hoay atma majhey,
Nitya alochan asimer mahatattva guli"*

All these things probably will not be appreciated by my Honourable friend on the other side. The poet says:

"Take back your stones and other symbols of material civilisation. Give us those days when we could think of the higher ideals of life, when we were clad in *balkal* and derived solace by chanting the *sama vedas*."

The Honourable Sir Bhupendra Nath Mitra: A Sudra like my friend over there saying that!

Mr. Amar Nath Dutt: I am not a Sudra, I am a Kayastha. The Mitras, Ghoses and Boses were servile enough to accept Kaulinya under humiliating terms, which the Dutts were too independent to accept. These, Sir, are all matters of history. Sir, it was not on the field of Plassey that we were conquered. It is the cultural conquest of the West that is responsible for want of respect for our glorious past, our precious heritage.

The Honourable Sir Bhupendra Nath Mitra: Is that relevant to the Finance Bill, Sir?

Mr. President: I hardly think it is relevant. The Honourable Member must confine himself to the amendment now before the House.

Mr. Amar Nath Dutt: I hope, Sir, that when considering this amendment, and when considering the question of the reduction of postage rates, the Honourable Member will please remember that in the Vedic age there was no post office, and that, if we have it now, it is because we have come under the hypnotic influence of a civilisation which is not our own. In the circumstances I beg to submit that we should try to make the best of a bad case, and to minimise the evils of this modern civilisation of the West. We should try to give at least some facilities to the poor men who were taken away by your very Department, the Department of Labour,

from their homes to far off provinces. They may not have had sufficient food, but they had at least some of the pleasures of life, and in far off exile they ought to have some opportunity at least of communication with their relations at home, whom they have left behind, and whom they may not probably in this life see again. I appeal to the Honourable Member in the name of civilisation, in the name of all that is human still left to us under the present system of administration, at least not to use any argument like the one he used before and not to oppose this little amendment of ours.

The Honourable Sir Bhupendra Nath Mitra: Sir, I must begin by expressing my regret that it is not possible for me to accept this proposal for the reduction of the postcard rate, for the simple reason that the financial position of the Department will not permit of such reduction, and that, in the circumstances, any reduction will be against the best interests of the Department and of its customers. I believe that I am correct in stating that my view of the question has the approval of a considerable body of people in this House, and that explains the emptiness of the benches opposite.

Now, Sir, on several occasions before, in this House, I have laid stress on the fact that the primary function of the Indian Posts and Telegraphs Department is to render certain services to the public in the matter of conveying and delivering their letters, mails, telegrams, etc. To meet the cost of these services the Department must naturally levy from its customers certain rates and fees postal, telegraph and telephone; and it has been the consistent view of Government that the yield of these rates should, on the whole, be adequate to meet the expenditure which the Department must incur to maintain the services undertaken by it in a reasonable state of efficiency and development. I was glad to find that this aspect of the case was recognised the other day by the Honourable the Leader of the Opposition—the Leader of my friend, Mr. Amar Nath Dutt—Pandit Motilal Nehru, when he styled these rates as payment for services, and compared them with the charges made by a taxi-driver, and he added that they could hardly be called taxes. Similar views have been expressed in the past by other Members of the opposite Benches, like Mr. Birla and Mr. B. Das of the Nationalist Party.

Now, Sir, my friend, Mr. Acharya, tried to regale us with certain figures. He said that, what was happening in the Department was that the poor man, who contributed to the postal revenue, was suffering at the expense of the rich man who was contributing to the revenue of the telegraph branch of the Department. I shall, for the information of this House, give the correct figures for the postal branch of the Department. In the year 1925-26, there was a profit of Rs 49 lakhs. In 1926-27, that profit had gone down to Rs 22 lakhs. By 1927-28 it had gone down to Rs 4 lakhs; and in 1928-29 there was a loss of Rs 5 lakhs. In 1929-30 we expect a profit again of Rs 4 lakhs. Now, Sir, what is the reason of this drop in the figures? I am sure that anybody who has studied the position, and who has listened to what I have said on previous occasions in this House, will fully realise the reason for that reduction in the net profit of the Postal Department.

Pandit Nilakantha Das: (Orissa Division Non-Muhammadan). May I request the Honourable Member to quote the figures for the Postal, Telegraph, Telephone and Indo-European Branches separately?

The Honourable Sir Bhupendra Nath Mitra: I have given the figures for the Postal branch of the Department separately, as at the present moment we are discussing the question of reduction of the postal rates. I have pointed out that, according to the budget estimate for 1929-30, the net profit of the Postal branch will be only Rs 4 lakhs. It was undoubtedly 49 lakhs in 1925-26, but it has gradually gone down, until it stands at the figure of Rs 4 lakhs in the budget for 1929-30; and I am sure that every Member of this House, who has at all followed the situation, and who has listened to my speeches in the past, knows the reason for that deterioration in the position. Within a couple of months after I took charge of my portfolio I was pressed by my Honourable friends on the opposite side, in particular by Mr Jinnah, who is not in his seat at the present moment, and by many others who are present here today, to examine personally and sympathetically the outstanding grievances of postal subordinates in various directions, namely, pay and allowances, hours of duty, holidays, uniforms, adequate strength of supervisory staff, accommodation, etc. My Honourable friends opposite will find a string of these given in some of the speeches made in this House on the 12th February, 1925. Luckily for the subordinates, and unfortunately for those who have demanded a reduction in postal rates, I succumbed to the pressure, and I should like to state quite frankly on the floor of this House that I have never regretted the assurance that I gave to this House on the 12th February, 1925. My preliminary examination of the grievances convinced me that there was considerable justification for them, though the demands of the staff had been pitched rather too high, as is not unusual in such cases. I then formulated a policy, which was accepted by the Government of India, and which has been consistently followed in the last four years. I came to the conclusion that it was not in the best interests of the Department, or its customers, that we should try to conserve the relatively small surplus which the Department was likely to produce from year to year, so that, at the end of a long term of years, it might grow to a figure which would permit of a reduction in, say, the postcard rate. I came to the conclusion that the best way of utilising this surplus would be to spend it on developing the service on efficient lines, due regard being paid to economy. To my mind the foremost item in any such development is the amelioration of the conditions of service of the low-paid staff, for unless we get the staff into a reasonable state of contentment, it will be impossible to secure the proper efficiency of the service. As Sir Basil Blackett said in the course of his budget speech last year, we came to the conclusion that priority must be given to the staff; and so far this House has supported us in this conclusion. The House is aware that considerable progress has been made in this direction in the last three years; and the additional recurring expenditure on this account has now reached the neighbourhood of Rs 50 lakhs a year. The financial position of the Department did not permit of any provision for new measures of this kind being made in the budget for 1929-30; and it is possible, as was suggested by the Honourable Sir George Schuster in the course of his budget speech, that it may no longer be necessary to make heavy provisions of this kind in the future. But the House is also aware, from the answers given by me to various recent questions, that the task is not yet complete. In particular, the strength of the subordinate staff and of the subordinate supervisory staff will have to be re-examined with reference to the recent investigations conducted in regard to time-tests in force in the Department with reference to a Resolution in another place,

and to other investigations which the Department has undertaken. Arrangements will also have to be made for the grant of a weekly day of rest to the staff where they do not now get it, and for the provision of an adequate leave reserve for postmen and inferior servants. The items I am mentioning are the more important ones and are not intended to be exhaustive.

I think my friend, Mr Acharya, suggested that we might economise on the expenditure of the Department. Now, how are you going to secure this economy? The only way we can secure this economy is by either reducing the staff—and their complaint is that they are already over-worked,—or else by reducing the rates of pay, which, under pressure from this House to some extent, I have revised upwards during the last two or three years. Mr Jogiah I think suggested that, if we reduced the postcard rate, the traffic would go up so much that we should be able to recoup ourselves from the extra revenue received from the extra traffic. I have discussed this matter time after time on the floor of this House in the past, and all I shall do at the present moment is to repeat a passage from my speech in this House on the 16th March, 1928. This is what I said:

“Quite recently I was reading a book called the ‘Post Office’, by Sir Evelyn Murray, who has been the Secretary to the Post Office in England since the year 1914. That book deals, on page 29, with this particular matter, whether a reduction in the postage rate in England, for example, to the pre-war level, would result immediately in an increase in the traffic conveyed. This is what he says:

‘With booming trade an increase on this scale’

—that is, on a scale sufficient to wipe out the initial loss—

‘might perhaps be achieved in ten years but certainly not in one, and in any case it would entail a heavy increase of expenditure which the enthusiasts’

—like my friend Mr Mukhtar Singh,—

‘conveniently overlook’ That, Sir, is the position.”

Now, Sir, another argument which I have heard advocated for the reduction of the postcard rate is that it will help the poor man.

Mr. President: What has Mr Mukhtar Singh got to do with this?

The Honourable Sir Bhupendra Nath Mitra: It was Mr Bhargava. I am very sorry if I have mixed up Mr Bhargava with Mr Mukhtar Singh. Another argument which has been advanced in favour of the reduction of the postcard rate is that it will help the poor man. Now, that argument has been discussed threadbare on the floor of this House. Mr Joshi, than whom there is nobody more capable to speak on behalf of the poor man, has definitely said that a reduction of the postcard rate will not help the poor man. If I were to accept this amendment, Sir, the result would be a loss of revenue to the extent of 90 lakhs of rupees a year to the Department and I cannot possibly afford it. That being so, Sir, I have no option but to oppose the amendment.

Mr. J. A. Shillidy (Home Department Nominated Official) I move that the question be now put, Sir

Several Honourable Members: The question may now be put, Sir

Mr. President: The question is

“In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head ‘Postcards’ the following be substituted

‘Single—Quarter of an anna

Reply—Half an anna’.”

The Assembly divided.

AYES—34

Abdoola Haroon, Hajj.
 Acharya, Mr. M. K.
 Ayyangar, Mr. K. V. Rangaswami.
 Bhargava, Pandit Thakur Das.
 Das, Mr. B.
 Das, Pandit Nilakantha
 Dutt, Mr. Amar Nath
 Dutta, Mr. Srish Chandra
 Farookh, Mr. Abdul Latif Saheb.
 Gulab Singh Sardar
 Iyengar, Mr. A Rangaswami.
 Iyengar, Mr. S Srinivasa.
 Jogiah, Mr. V. V.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Hafi Ahmad
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navahai, Mr.
 Mitra, Mr. S. C.

Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid
 Naidu, Mr. B. P.
 Neogy, Mr. K. C.
 Phookun, Srijut T. R.
 Rahimtulla, Mr. Fazal Ibrahim
 Sarda, Rai Sahib Harbilas.
 Sarfaraz Hosain Khan, Khan Bahadur.
 Shafee, Maulvi Mohammad
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Narayan Prasad
 Singh, Mr. Ram Narayan
 Sinha, Kumar Ganganand
 Sinha, Mr. Siddheswar Prasad.
 Yusuf Imam, Mr.

NOES—47.

Abdul Aziz, Khan Bahadur Mian
 Alexander, Mr. William
 Allison, Mr. F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys
 Chalmers, Mr. T. A.
 Coatman, Mr. J.
 Cooke, Sir Hugh
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Cierai, The Honourable Mr. J.
 Dalal, Sardar Sir Bomanji
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut. Colonel H. A. J.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain
 Jowahir Singh, Sardar Bahadur
 Sardar
 Keane, Mr. M.
 Lall, Mr. S.
 Lindsay, Sir Darcy

Mitra, The Honourable Sir Bhupendra
 Nath
 Mitter, The Honourable Sir
 Brojendra
 Mohammad Ismail Khan, Haji
 Chaudhury
 Muhammad Nawaz Khan, Sardar
 Mukherji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Rainy, The Honourable Sir George
 Rajah, Rao Bahadur M. C.
 Rao, Mr. V. Panduranga.
 Rau, Mr. H. Shankar
 Rau, Mr. P. R.
 Rogers, Mr. P. G.
 Roy, Mr. K. C.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad
 Shillidy, Mr. J. A.
 Simpson, Sir James
 Singh, Rai Bahadur S. N.
 Stevenson, Mr. H. L.
 Sykes, Mr. E. F.
 Webb, Mr. M.
 Yamin Khan, Mr. Muhammad
 Young, Mr. G. M.

The motion was negatived

Mr. President: The question is—

That Schedule I to the Bill stand part of the Bill.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division—Muhammadan Rural): I have got an amendment, Sir

Mr. President: To Schedule I?

Mr. Fazal Ibrahim Rahimtulla: Yes.

(Cries of "Withdraw" and "Go on".)

Mr. President: Order, order Mr Fazal Ibrahim Rahimtulla.

Mr. Fazal Ibrahim Rahimtulla: Sir, I beg to move :

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Book, Pattern and Sample Packets' the following be substituted :

'For every five tolas or fraction thereof—Quarter of an anna' "

Mr. President, it appears, at first sight, a little awkward to move any amendment to the Finance Bill after having voted for the expenditure. It means or it gives the appearance that this House wants His Excellency the Governor General to certify the reduction if carried by this House. I therefore desire to make it clear that when we move amendments to the Finance Bill we do not desire that His Excellency the Viceroy should certify the amendment or restore the cut.

Mr. K. Ahmed: That is implied.

Mr. Fazal Ibrahim Rahimtulla: I will come to that, Mr Kabiruddin, if you have patience to listen. I will come to the demands for grants. The procedure is this. When the Demands for Grants are discussed in this House, they are not discussed with the intention of having a reduction in those particular grants, but the cuts are moved with the intention of criticising the policy of Government on those particular measures which come here before the House. In the Explanatory Memorandum, Appendix II, (Statement showing the distribution, as between voted and non-voted, of the gross expenditure of the Central Government as shown in the budgets presented to the Legislature), we find that the total expenditure is Rs. 255 crores, whereas we are asked to vote in this House only Rs. 136 crores. If you consider that we should adopt measures which would bring about a responsible opposition, we claim that the whole of the amount, namely, Rs. 255 crores, should be put before the House for discussion and vote. The question of military expenditure to the tune of Rs. 55 crores is not discussed in this House, and in spite of the repeated requests for reduction by this House, we find a statement in the Memorandum to the following effect :

"It has been decided that, for a period of four years beginning with the year 1928-29 and ending with the year 1931-32, the military budget will be stabilised each year at a figure of 55 crores, to which will be added the amount required, at present estimated at 10 lakhs, to give effect to measures arising out of the Shea Committee."

The House knows perfectly well that, when they want a reduction of expenditure with a view to give relief in the shape of taxation on salt, or in the price of postcards, and other things, their desire is that the whole budget should be put before them in order that they should be able to suggest retrenchments. In this Memorandum it is said :

"The Indian Retrenchment Committee, after their exhaustive examination of every aspect of military administration, recommended that the net budget for 1923-24 should be fixed at Rs. 57½ crores, subject to such addition as would be necessary on account of the delay which must necessarily ensue in carrying out the proposed changes. They considered that, in subsequent years, expenditure would be susceptible of reduction to Rs. 57 crores and ultimately to Rs. 50 crores provided a further fall in prices took place."

This Report is dated 1922-23, and if you want to know whether any fall in prices has taken place, you find the index number in 1922-23 was 178,

[Mr. Fazal Ibrahim Rahimtulla.]

whereas in December 1928 it was 145. Therefore, by bringing in a budget, the majority of which is not voted or not even discussed, except on these grants or cuts, I say you are not justified in saying that we have voted the expenditure and that we cannot bring forward any proposal for reduction of taxation. If we do so, we are told that we are making destructive proposals, or that we want, deliberately by our attitude, His Excellency the Governor General to certify the proposed reduction if carried by this House.

Mr. K. Ahmed: All that should have been said in the general discussion.

Mr. Fazal Ibrahim Rahimtulla: I will now come to the subject matter of the amendment. The object of my amendment is to reduce the rate from half an anna to quarter of an anna. In this House Members are very keen on the question of primary education. When we give people education, they naturally want to read books and literature if they can get them. But we find that the present rates are very exorbitant, and unless Government consider this question sympathetically, they will be preventing the fruition of the object they have in view by methods of this character. From the figures I have got here, I find that, on a book packet of 10 lbs from Bombay to Poona the railway freight is 6 annas, whereas by book post the charge is Rs 2-8-0

Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): Why don't you send the book packet by rail and thereby avail yourself of the cheaper rate?

Mr. Fazal Ibrahim Rahimtulla: I am showing

Mr. A. H. Ghuznavi: You send the book packets by rail to Poona

Mr. Fazal Ibrahim Rahimtulla: Why should I do it?

Mr. A. H. Ghuznavi: Why should you not? Because the rail is cheaper, send it by rail

Mr. Fazal Ibrahim Rahimtulla: Why not make the postage cheaper?

Mr. A. H. Ghuznavi: Why should they?

Mr. Fazal Ibrahim Rahimtulla: I think my Honourable friend, Mr. Ghuznavi, has not understood the point at all, and it is better to keep quiet and not indulge in things that one does not understand. (Laughter). Sir, the question is, a book packet, weighing, 1 pound, has to pay four annas, whether it has to travel from Kalbadevi to Fort (which is Bombay) or whether it has to be carried away from Bombay to Tokiyo or San Francisco. I mean the postage, people do not consider at all the question of distances. They do not consider at all as to what they should do to help the literacy of India, and in putting forward this proposal, I want the Government of India to understand that they should make an earnest effort in the direction of a reduction of the postcard rate and the postal rates of book packets, and such other things, by putting before this House the whole budget for discussion, and not asking us to vote for 136 lakhs and not to move a reduction in the Finance Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, this matter of the reduction of the book packet rate was discussed by this House in the

year 1925, and it was negatived without a division. My friend Mr. Rahimtulla referred to the competition of the railway. That is not a real competition at all. If a customer finds it cheaper to send a book by railway parcel, the Post Office Department will not grudge the railways that traffic. As it is, the tariff of the Postal Department for book packets, or in other cases, is fixed on quite a different basis from the railway tariff. The postal tariff is uniform for the whole country, based on unit rates for unit weights, with additional rates for addition to the unit weights. Railway freights depend on weights and distances. Further, the service which the post office supplies is quite different from the service which the railway supplies. In the one case, the book packet is delivered at the house of the consignee. In the other case, the consignee has got to go to the railway station to get the article. Now, as a matter of fact, however we might reduce this book packet rate, we cannot possibly approach the railway rates in the case of certain weights. On the other hand, in the case of lower weights, the postal book packet rate is much cheaper than the railway rate. The difference is inherent in the method of fixing of rates adopted by the Postal Department. What I have said will indicate to my Honourable friend that this matter has, in the past, received considerable and careful consideration from the Government of India. Last year Sir Purshotamdas Thakurdas drew attention to the apparent anomaly. Later on he had some correspondence with my Department on the subject and on the 3rd January my Department explained to him the precise position. In reply to that letter, Sir Purshotamdas Thakurdas stated that he noted what the Department had to say and that he would address it later on if necessary. He has not thought fit to address the Department thereafter. I believe he received a copy of the same letter from which my friend Mr. Rahimtulla was quoting. After that he had a discussion with Mr. Sams and myself and apparently decided not to pursue the matter further. If I had to accept the amendment of my friend Mr. Fazal Ibrahim Rahimtulla, the loss of revenue would amount to 26 lakhs a year, and I see no justification for incurring this loss. As a matter of fact, in spite of the increase in the rate in 1921, the traffic in the book, pattern and sample packets has gone up by leaps and bounds. I shall quote certain figures. In 1914-15, the traffic was 60 millions. In 1920-21, it had risen to 67 millions. Between 1920-21 when the rate was raised and 1927-28, it has gone up to 101 millions. That does not show that the traffic had suffered by the increased rate. It is quite possible that certain people do not find it profitable any longer to send their books by the postal book packet and are apt to use the railway parcel system, but that is not sufficient justification for us to sacrifice an annual revenue of 26 lakhs. I hope my friend, Mr. Fazal Ibrahim Rahimtulla, will, on reconsideration, be pleased to withdraw his amendment.

Mr. President: The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Book, Pattern and Sample Packets' the following be substituted:

'For every five tolas or fraction thereof—Quarter of an anna.'

The motion was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President: The question is:

"That Schedule I to the Bill stand part of the Bill."

The motion was adopted.

Mr. President: The question is:

"That Schedule II to the Bill stand part of the Bill."

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): I beg to move:

"In Part I of Schedule II to the Bill the following be added to entry A (1) . . ."

Mr. President: Which amendment is that?

Mr. Mukhtar Singh: No. 24, Sir.

Mr. President: I understand that the other amendments are not moved?

Mr. V. V. Jogiah: Mr. Anar Nath Dutt is not here Can I move his amendment?

Mr. President: Under what Standing Order?

Pandit Thakur Das Bhargava: I have got an amendment, Sir.

Mr. President: The Honourable Member does not rise. What is to be done?

Pandit Thakur Das Bhargava: I beg to move.

"That in Part I-A of Schedule II to the Bill the words 'Hindu undivided family' be omitted."

Mr. President: Is not that practically the same thing that we had the other day?

Pandit Thakur Das Bhargava: No, Sir.

Mr. President: What is the difference?

Pandit Thakur Das Bhargava: So far as the previous amendment was concerned, it related to the manner in which I proposed that the Hindu undivided family should be assessed, and what the total income of each member of such family should be deemed to be, but that amendment did not suppose that the Hindu undivided family was to be taxed, though by that amendment I sought to define the method and total income of the family which was to be taxed. Whereas, according to this amendment, I want the words "Hindu undivided family" to be deleted, from which it would follow that no Hindu undivided family should be taxed.

Mr. President: You don't want a Hindu undivided family to be taxed at all?

Pandit Thakur Das Bhargava: Yes, Sir.

Mr. President: Whether the income of the family is 2 lakhs or ten lakhs or five lakhs?

Pandit Thakur Das Bhargava: Yes, Sir, that is my intention.

Mr. President: Sir George Schuster.

The Honourable Sir George Schuster: Sir, I was in doubt myself as to what the intention of the amendment was. I had interpreted it in the same way as you, Sir, that it was intended to provide that the members of a Hindu undivided family should be assessed as individuals, and that, therefore, the Hindu undivided family, as such, should not be assessed. I had not understood that my Honourable friend intended to propose complete exemption from income-tax for all individuals who are members of a Hindu undivided family, and I suggest that, if that is his intention it is a frivolous amendment.

Pandit Thakur Das Bhargava: Whether the amendment is frivolous will be judged by the House.

Mr. President: Does the Honourable Member admit that it is frivolous?

Pandit Thakur Das Bhargava: Not in the least. My amendment is that a Hindu undivided family, as such, should not be taxed.

Mr. President: That is, that individual members of a Hindu undivided family should not be charged income-tax?

Pandit Thakur Das Bhargava: Yes, as individuals.

Mr. President: Then the objection raised by the Honourable Finance Member must prevail. We have already discussed the question whether the unit for the purpose of income-tax should be a Hindu undivided family or a member of it, and this House, by rejecting the amendment of the Honourable Member, has already decided that a Hindu undivided family should be the unit and not each member thereof, and therefore any amendment which seeks to fix responsibility on individual members of a Hindu undivided family is out of order. I therefore rule that the Honourable Member's amendment is out of order.

Sardar Gulab Singh (West Punjab Sikh): I move, Sir, that:

"To Part I-A of Schedule II to the Bill, after the words 'not being a registered firm or a company', the following be added

'and every company and registered firm'

and Part I-B of Schedule II to the Bill be omitted "

If Honourable Members just inspect the rates of income-tax, they will find included in "A", "the case of every individual, Hindu undivided family, unregistered firm and other associations of individuals not being a registered firm or a company." In this "A" you find that only registered firms and companies are left out. Of course this gives a chance to the persons who start companies to escape the payment of registration fees to the Registration Department, besides other expenses, and so they

[Sardar Gulab Singh.]

don't get their associations registered. It is a patent fact that registered societies and companies command more respect, more confidence, and attract more capital, as they have got a certain responsibility imposed upon them to submit their balance sheets and all accounts annually. The people have more confidence in them, and in this way, Sir, more capital is attracted. But they find that, if they have their association disturbed, they have to incur several kinds of expenses, and besides that, Sir, all these unregistered firms and associations are exempted from the payment of income-tax on an income of less than Rs. 2,000. And besides, from the very beginning of their existence, registered companies have to pay one anna and six pies per rupee, even if they have an income of one rupee.

So, in this way, these rates stand in the way of forming companies or starting associations. These different rates of income over these two different kinds of societies have hit very hard the formation of new companies. I think if these restrictions are removed, and if all these different rates, that at present apply to companies, are done away with, then more companies will be started, and thus the income of Government also will be increased. I have experienced all these difficulties myself in starting my company. When we start a company, in the beginning a great deal of expenditure has to be incurred in this way and that way, for payment of registration fees, and several other expenses have to be borne by the promoter of the company. So, I think the rates of income-tax should be the same in all cases, and if you add the words "and every company and registered firm" to part A, and if you omit part B, then my object is gained. Sir, I move.

The Honourable Sir George Schuster: Sir, I think my Honourable friend is under some misapprehension as to the way in which the burden of income-tax falls upon a registered company. To accept his amendment would be completely to upset the whole of the system on which the Indian income-tax is based. There is no hardship of the kind which he imagines. In the case of a company, a registered company is taken as a unit of assessment and the income-tax at the rate of one anna and six pies is deducted from the total income of the company before any distribution is made among the shareholders. But the individual shareholder can then recover the income-tax which has been paid. If the individual shareholder, who receives a dividend from a company, has a total income which is below the limit of exemption, he obtains a total refund of the tax. If his income is of a slightly higher level but one not taxable at the maximum rate, he is entitled to a refund according to that rate. Therefore, if a registered company is formed by a number of poor people, each of whom has a total income of less than the minimum rate for income-tax, in effect that company pays no income-tax at all, and if the change which is recommended by my Honourable friend is introduced its position would be much worse than it is under the present law. Sir, I do not think it is necessary for me to say anything more on the subject. I believe, if I could have five minutes talk with my Honourable friend, I could explain to him the system of income-tax, and convince him that the taxation on registered companies under the present system does not in fact constitute any injustice and indeed is the only practicable system.

Mr. President: The question is:

"To Part I-A of Schedule II to the Bill, after the words 'not being a registered firm or a company', the following be added:

'and every company and registered firm'
and Part I-B of Schedule II to the Bill be omitted."

The motion was negatived.

Mr. Amar Nath Dutt: Sir, I beg to move:

"In Part I-A of Schedule II to the Bill for entries (1) and (2) the following be substituted:

'(1) When the total income is less than Rs 5,000 . . . Nil'
and the following entries be renumbered accordingly "

Sir, in moving this amendment, I have very few words to say. The minimum income that is assessable in India is Rs 2,000 per annum, at the present moment. Considering the rise in prices and also considering the fact that the income that is at present earned by the poor middle classes is so low that they can hardly keep body and soul together on it, it is advisable that their income should not be taxed. The poorer middle classes earn not more than Rs 4,000 or Rs 5,000 per annum and their income should not be taxed by any civilised government, much less by a Government which is alien. Sir, it is only to give relief to that section of the poor middle classes who have to live on a bare income of Rs. 4,000 or Rs. 5,000 a year, that I am appealing to the House. People who earn an income which runs up to five or six figures per annum will probably not realise the difficulty of that section of the poor middle class gentry of our country. But if they have the heart to understand the difficulty, they will realise that these poor middle classes have to educate their children and send them to good colleges, and also they have to marry their daughters in good families. Now, Sir, unfortunately in this country this income is not even sufficient for giving ordinary food and education to the children, and when you remember that, under our social customs, they have to pay large dowries, no less than Rs. 15,000 or Rs 20,000, to get the girls married, it is hardly possible for a man of this class, earning Rs 4,000 or Rs 5,000 per annum, to give a decent education to his boys, or to get a suitable boy for his daughter. If they really know the social conditions under which the poor middle classes have to live at the present day, and if they consider all the circumstances, I think the House will agree to the amendment which stands in my name. Sir, the ordinary food and clothing which can keep a man in this world comes to not less than Rs. 30 or Rs. 40 per month. That being so, an ordinary family, consisting of eight or ten members, can hardly live on Rs. 400 or Rs 500 a month. Sir, we are not like those who, as soon as they are grown up and find some comfortable berth in life, get themselves separated from their parents and from those who are dependent upon them. I am speaking especially of the Hindu joint family system, where we believe it to be our duty to maintain our parents, not only our old parents, but also our widowed sisters and even the sons of widowed sisters. This being the case, I think that people who really have any knowledge of the peculiar conditions under which the poor middle class gentry of this country have to live will at least not think of taxing people with such small incomes as Rs. 400 or Rs. 500 a month.

[Mr. Amar Nath Dutt.]

They have also another difficulty. I have attempted to point out, times without number, in fact I have introduced a Bill which could not be passed in this House composed as it is at present, I have pointed out that if they have got any Government promissory notes which bring them Rs. 1,000 or Rs. 2,000, those promissory notes are taxed at the maximum rate, and then refund is allowed to them if they can prove that their income is less. Now, Sir, all these are very difficult processes, and in fact it is almost impossible to get a refund from the income-tax office. In fact, there was a circular for anticipatory certificates. If Honourable Members, who occupy high positions here, care to inquire about the way in which these anticipatory certificates are granted, they will be convinced that it is more than useless to have these anticipatory certificates. Because I know that lawyers earning very small incomes of Rs. 300 or Rs. 400 a month, when they apply for anticipatory certificates for a few thousands of rupees worth of Government promissory notes, are denied those certificates on the plea that their income is liable to fluctuation. That is the lot, and that is the fate of the poor middle class gentry. In fact, I can say this without being contradicted, that more than 80 per cent. of the people who are entitled to a refund, do not get the refund, or do not get an opportunity of applying for refund. Supposing, Sir, there is a widow living in a village who has an income from some agricultural sources which is not taxable, how can she come and apply for the refund of income-tax deducted from the interest of Government promissory notes unless she is prepared to satisfy the itching palm of the subordinates of the department? Unless she does so, she will not be given any refund at all. Even in the case of Government servants holding the position of Deputy Magistrates or Munsifs, they will not care either to get the necessary certificate or to apply for the refund, considering all the difficulties they will have to undergo. Or they may be transferred from, say, Calcutta to some other place, and it may not be possible for them to apply for the refund from the new station. I know there are at least several instances in which people earning Rs. 400 or Rs. 500 or Rs. 800 a month do not apply for refund at all. Considering all these circumstances, I think some relief will come to the middle class people if the minimum assessable income is made Rs. 5,000. I would have gone up even to a higher figure; but considering that the Government is bent upon having an income-tax, and considering the poor income of the people of the country, I think Rs. 5,000 is sufficient, at least under the present circumstances.

Sir, I appeal to every member of this House to consider the reasonableness of the amendment which I have put on the paper. The middle class gentry are the backbone of the country; and if you do not accept this amendment, they will have to submit to the income-tax of course, as they have submitted to it so long, as they have submitted to the salt tax or to the postal rates. If a man is getting Rs. 400 per mensem, you take away Rs. 40 or Rs. 50 in the shape of income-tax, Rs. 30 or Rs. 40 in the shape of postage stamps and Rs. 40 or Rs. 50 for salt, thus leaving practically nothing for him. Poor man, he complains that he could not purchase any necessary thing, because he has to pay so many taxes, and he has nothing left with him. That is what he says. Considering all these circumstances, I think it is very cruel to have incomes below Rs. 5,000 assessed to income-tax.

Mr. K. Ahmed: I would pay the price of the umbrella first.

Mr. Amar Nath Dutt: My Honourable friend wants to tax the umbrella. Let him tax it.

Mr. K. Ahmed: Pay for the umbrella first.

Mr. Amar Nath Dutt: I do not know, Sir, what arguments will be adduced by the Honourable the Finance Member who will oppose this amendment. But it appears to me cruel that an amendment like this should be opposed. I think I should not waste the time of the House (*Mr. K. Ahmed*: "Hear, hear") by saying anything, save and except this. I appeal to the generous feelings of the Members of this House towards the poor of this country, and I appeal to them to accept this amendment.

Mr. V. V. Jogiah: Sir, there is a widespread impression that, when once a tax is levied in this country that tax is not abolished or even reduced, whatever might be the promises made at the time when the tax was imposed. On the other hand, the contrary process of increasing it from time to time has been in evidence. This may be said to be true of the income-tax and also of duties such as those on salt. Income-tax was imposed in the year 1886 to meet a deficit of 2 millions, sterling. This deficit resulted on account of the cost of the frontier defence. Since then, it has not been reduced, though there were prosperous budgets.

It is said, Sir, that there are two features of this income-tax which are, more than others, open to serious objection.

Mr. President: Come to the amendment.

Mr. V. V. Jogiah: I will come to it now, Sir. One is that the taxable minimum is too low, and the other is that the method adopted by the assessing staff has the effect of making the tax fall on people who do not even earn the taxable minimum. So far as the first grievance is concerned, even accepting Income-tax as an inevitable evil which people cannot help putting up with, what people want is the raising of the present taxable minimum. Once the taxable minimum was at Rs. 500, thereafter it was raised to Rs. 1,000, and then to Rs. 2,000. I submit, Sir, the time has arrived when the taxable income should be raised at least to Rs. 5,000. The minimum was raised to Rs. 2,000 years ago, and since then much water has flown under the bridge, and it is time that the minimum should be raised. Prices have risen by three or four times what these were before, and the standard of living has also considerably advanced. There is thus no doubt that, unless the taxable minimum is raised, people, especially the middle class people, will suffer considerably.

In this connection, Sir, I need make no apology for quoting a few sentences from the speech of a European Member, the Honourable Mr. Turner, in the Imperial Legislative Council in the year 1902. He stated from his place in the Council in March 1902 as follows:

"Income-tax, when re-introduced into India in 1886, was imposed to meet a deficit of over £2 millions sterling. It was then absolutely necessary for all classes to meet that deficit towards what was practically a national defence fund; in other words, to pay for Frontier defence. But, my Lord, the time has arrived when it is unnecessary to tax what I might almost call the 'impoverished' class. There is no doubt that the cost of living, especially in towns has very greatly increased since 1886 and the native clerk who has to maintain himself and his family and to keep up a respectable appearance on a very limited income finds income-tax to press upon him in a manner

[Mr. V. V. Jogiah.]

that few of us can realize. Not only do these men suffer, but there are a number of pensioners and widows in receipt of pensions to whom even the small amount deducted on account of income-tax tells more heavily. I would therefore earnestly beg the Government of India to take into consideration the question of raising the limit of the income-tax from the present figure of Rs. 41-10-8 per mensem or say Rs. 500 per annum to Rs. 100 per mensem or say Rs. 1,200 per annum. The loss to Government would be somewhere about 40 lakhs of rupees—an amount scarcely noticeable in the improving resources of the country. I believe it to be perfectly true that native employees with limited incomes experience as much difficulty in making both ends meet as do the unfortunate people in England, who also suffer from the same thing."

It was also stated during the course of that debate that the taxable income

3 P.M. in England at the time was £160, which, according to the present calculation, comes to about Rs. 2,133. That is, in fact, the taxable minimum which at present exists in this country, being a little less, viz., Rs. 2,000. Sir, India is well known for its poverty, and compared to it England is undoubtedly by far the much richer, and yet the taxable minimum in both countries is the same. This, I submit, Sir, is quite unjust. Another matter for remark is that an Indian who has an income per month of Rs. 175, that is, the taxable minimum, has generally dependent on him a large family in which the bread winners are few. He has to feed the members of the family, their wives and children, provide them with a house to live in, and meet all sorts of charges such as those for marriages, *shraddha*, and such other inevitable expenses. One may call this improvident: one may say that all this should be changed, but we have to take society as we find it. Society must be taken as it is with all its faults. In these circumstances, I submit, Sir, that expediency, urgency, justice, and generosity, alike, require that the taxable minimum should be raised. With these words, Sir, I support the amendment.

The Honourable Sir George Schuster: Sir, it is possible to make out a convincing case against almost any tax. We have listened here to very eloquent pleas from my two Honourable friends who have just spoken on behalf of the very poor. I confess I was somewhat surprised to find them pleading with almost equal heat, the cause of the middle classes. I listened to the arguments in favour of the very poor with much greater sympathy than to the arguments which they have just advanced. I regret, Sir, that I must oppose this motion on the ground that it is impracticable. The net loss to the Government, if the income-tax laws were amended in this way, would be 141 lakhs of rupees per annum. I do not think that any case has been made out for this relief. The Taxation Inquiry Committee examined the matter and reported that, on the whole, it would be best to stick to the existing limits. If we compare this country with other countries—in England, for example, the limit of exemption is lower than it is in India. If we take the index numbers and compare the level of taxation as it stands today—its effective level—with the level at which it stood, say, 25 years ago, we find that, while in 1903 the limit was Rs. 1,000 it stands today at Rs. 2,000. On the basis of the index numbers those incomes are about the same. Therefore I do not think, apart from the ordinary arguments which, as I say, can be adduced against almost any tax, there are any special arguments against this particular form of taxation, and, having regard to the very large sum of money that will be involved in extending this exemption to so high a level, I must oppose the amendment on behalf of Government.

Mr. President: The question is:

"In Part I-A of Schedule II to the Bill for entries (1) and (2) the following be substituted :

'(1) When the total income is less than Rs. 5,000 . . . Nil'
and the following entries be renumbered accordingly "

The motion was negatived.

Mr. Mukhtar Singh: Sir, I beg to move:

"In Part I of Schedule II to the Bill the following be added to entry A (1) .

'But in case of a joint Hindu family when the total income is less than Rs 4,000 . . . Nil'

and consequential amendments be made in A (2) "

Sir, since 1927 I have been moving a similar amendment every year; and I am glad to notice that public opinion is coming round to my view. I hope, Sir, this time I shall convince the House that my amendment is a very reasonable one. I would submit, Sir, that in the first place, it may seem that I want more favourable treatment to be meted out to the Hindu family than to other individuals in the country. I would have been very glad, Sir, if the amendment moved by my Honourable friend Pandit Thakur Das Bhargava had been carried; but unfortunately that was opposed, I do not want any special treatment for the Hindu joint family, but I want that Hindus should be treated like other individuals in the country. If a Muhammadan or a Christian pays an income-tax simply in his individual capacity, why then in the same way should not the individual members of the joint Hindu family be taxed? The joint Hindu family, as such, should not be made a unit for the sake of taxation. It was pointed out that it seems to be necessary that an amendment of the Income-tax Act should be made on that score, and that was the chief reason why the amendment of my friend, Pandit Bhargava, was not accepted. Till such time as an amendment is brought forward by the Honourable the Law Member, I hope, Sir, this amendment of mine will be carried. My reasons for proposing it are that a Hindu joint family should consist of at least 2 members, otherwise it will not be a joint Hindu family at all. Let us suppose that a Hindu joint family consists of only two members, then the income of an individual member comes to only Rs 2,000. In that case we shall be taxing practically an individual member who has an income of Rs 2,000. If the joint Hindu family consists of more than 2 members, even then, Sir, they will be taxed on a much lesser income than Rs. 2,000 each. So it is not in any way a favour that is sought under this amendment for the Hindu joint family. Rather I have put the case on a very reasonable ground, considering that the joint Hindu family consists only of 2 members. I would submit, Sir, that by carrying this amendment, we shall be giving some relief to the members of a joint Hindu family, because as the matter stands today, the lowest income of a joint Hindu family, irrespective of the fact of how many members there are in the family, which is taxed is Rs. 2,000. We find, Sir, that in the case of Hindus also there is a differential treatment meted out to the Hindu joint family. You know, Sir, that the *Dayabagha* school of Hindu law does not recognise the joint family. In the same way the customary law of the Punjab does not recognise the joint family. It is only

[Mr. Mukhtar Singh.]

the joint family recognised by the *Mitakshara* law that is penalised by the Income-tax Act. The reasonableness of this argument, Sir, has been practically accepted in the case of Super-tax and the Government have been forced to raise the figure to Rs. 75,000 for taxation purposes in the case of a joint Hindu family. I submit, therefore Sir, that in the case of a joint Hindu family, no such family should be taxed unless the joint income is more than Rs. 4,000 a year. With these words, Sir, I move the amendment.

Pandit Thakur Das Bhargava: Sir, when I moved my amendment last time, I received a shower of sympathy from the various gentlemen who spoke; and the Honourable the Law Member was pleased to say that he was sympathetic towards this amendment, but as the amendment was not incorporated in any Bill he was unable to support it. In fact I perceived from the moment I saw the Finance Bill in the first year of this Assembly, that, as a matter of fact, the Hindu joint family was penalised and quite unreasonably so. From that time, Sir, I have been making an attempt to bring this matter before the Assembly, and last time when this question was being mooted, it was suggested that an amendment by way of a Bill would be better. I sent in a Bill also which proceeded on the lines on which this amendment has proceeded. But unfortunately that Bill was not received favourably by the Government, and the Government did not accord their sanction to the Bill. I am glad, however, that the Honourable the Law Member, on the last occasion, gave an undertaking that, if the Bill came from a more responsible quarter, that is, from the Honourable Mr. Javakar, then he would receive the Bill favourably. I have not the least doubt that Mr. Jayakar will certainly put his name on the Bill which I sent and that the Government will then be pleased to accord their sanction to it in due course.

The Honourable Sir Brojendra Mitter (Law Member) Sir, I gave no undertaking.

Pandit Thakur Das Bhargava: If I am mistaken, Sir, in saying that an assurance was given, then my case becomes all the stronger. It means that, when an amendment of this character is brought up before this House, the Honourable Member rises and says that, if it comes in the shape of a Bill, it is very likely to be accepted, but as soon as a Bill is sent, then the Bill is not accepted. From that it follows that we have got no means whereby we can ventilate this grievance, and therefore it becomes the greater duty for this House to consider the question in a more favourable way.

Now, Sir, I would have been very glad if the Honourable the Law Member, or any Member of the Government, had tried to meet this case which was put forward in the House. On the contrary, Sir, it was said that the civil aspect of this question was viewed with sympathy. From that I concluded that the reasons which we advanced for the acceptance of the amendment were accepted by the Government Benches. I do not want to review all those reasons again, but I would say that this amendment is not the right remedy for the disease; it is in the nature of a palliative, we want and we insist that the Hindu undivided family, as such, should not be penalised or taxed. We want that every Hindu. . .

The Honourable Mr. J. Crerar (Home Member). Is this relevant to the motion before the House?

Pandit Thakur Das Bhargava: I have not been able to catch what fell from the Honourable the Home Member.

Mr. President: The Honourable Member is talking about what he would like to have and not what he wants by this amendment.

Pandit Thakur Das Bhargava: I was simply submitting, Sir, that this amendment is a palliative and it was in connection with that that I submitted that the remedy lay somewhere else. But, Sir, if the real remedy cannot be had, it is no reason why we should not have the palliative. This amendment only says that no Hindu undivided family should be taxed unless the family has an income of at least Rs 4,000. As has been just pointed out, there can be no Hindu undivided family unless it has at least two members; therefore it follows that if we accept this amendment, the position of every individual Hindu is only brought down to the level of every Muhammadan or Christian. If the members are more in number, still the unequal treatment in this matter remains. This particular amendment has got the merit of asking for the minimum, and if it is not accepted, then the injustice that I have been talking of on the last occasion will be perpetuated. The merit of this amendment, Sir, has been recognised in the other provisions of the Finance Bill, i.e., in the provisions relating to the super-tax. If this theory of an individual being equal to an undivided Hindu family is correct, I want to know what justification there is for making a distinction between them in the matter of super-tax; and if that distinction is justifiable, what justification is there for not allowing that very distinction in the case of the poorer Hindu undivided family? In the case of those liable to super-tax, though more tax is collected, still they can bear it. But in the case of the ordinary Hindu undivided family, the incidence of taxation becomes unbearable. A moment before, we had an amendment to the effect that the taxable minimum be increased to Rs 5,000, and I was rather amused at the manner in which that amendment was pressed before this House. As a matter of fact, Sir, if an undivided Hindu family consists of five members, it follows that the person who earns Rs. 35 a month is taxed. I submit that, if the Finance Bill, in its present shape, is allowed to be passed, this Bill will be opposed to all justice, because, as has been just pointed out by the Honourable the Finance Member, the taxable minimum for Indians is Rs 2,000, whereas in the case of a joint Hindu family, it is this Rs. 2,000 divided by the number of members composing that family. (*In Honourable Member: "Hear, hear".*)

Similarly, Sir, I would submit that, in this country, unless you have uniformity of taxation, you cannot say that you are doing the right thing. If, in this matter of taxation, you have got differentiation, I do not know in what other matter you will be able to secure equality to any person. We have heard so much about the rights of minorities and others who feel that the majority communities will tyrannise over them. Now what about the majority community in this matter, especially the Hindu majority which consists of 24 crores of people who are suffering under an inferiority complex? What is the reason for taxing them at a rate which is not taxable in the case of people other than Hindus? The reason is only

[Pandit Thakur Das Bhargava.]

that the Hindus are disorganised, that the Hindus do not assert themselves. I feel, Sir, that the poll tax or capitation tax could not be more hateful or invidious than this tax, which regards the Hindu joint family as a thing which should not exist. The indirect result of this tax is that Hindu joint families are being disorganised, and litigation crops up in Hindu families as a result of this invidious distinction.

I therefore submit, Sir, that this double capacity, of which Sir Basil Blackett spoke on the last occasion, should be eliminated. We do not want that the Hindus should have two characters, one as an individual and the other as a member of an undivided Hindu family. There should be only one character and these feudal types of taxation should be eliminated and the more civilised type should be accepted, that is, the individual as the basis of taxation and not the undivided Hindu family. In no other sphere of life is the Hindu joint family recognised as a unit; it cannot sue and it cannot be sued; and in other matters it is not recognised as a unit. There were times when clans and communities and castes or families were regarded as units and they were fined as units; but now it cannot be said that they are so regarded; and they should not be so penalised. Under these circumstances I would submit, Sir, that it is not true to say that it is only in respect of *Mitakshara* families that there is this distinction. As a matter of fact every undivided Hindu family, be it under the *Mitakshara* or the *Dayabagha* system, is taxed alike, and in spite of the fact that a Hindu carries within himself the keys of separation of the family, still the family is taxed, and in a manner which is not justifiable. I therefore support this amendment.

The Honourable Sir George Schuster: Sir, this question of the system of taxing a Hindu undivided family has already been debated at some length in the course of the last few days. I therefore do not wish to enter at length into all the arguments that have been advanced. But there are two points on which I wish to touch, Sir. One is a question relating to a point of order. The last speaker dealt with some remarks which fell from my Honourable colleague the Law Member, comparing the position if a proposal of this kind had come forward in the form of a separate Bill, with the position when it comes before us as an amendment to the Finance Bill. Sir, on the occasion of a previous debate, when this House was, for the time being, unfortunately deprived of your presence, a point of order was raised from the Government Benches as to a preceding amendment, which dealt with something analogous to this,—an alteration of the system of assessment for taxation, and the point was made that a question of that kind could not be dealt with on an amendment to the Finance Bill on the ground that it was a question, not of altering the rates of taxation, but of altering the system of assessment. When I spoke on that matter, Sir, I said that the Government would not wish to burk discussion on a matter which was of interest to the House merely on a technical ground, but I did submit that in cases of taxation, it was inappropriate that they should be raised as amendments to the Finance Bill. I ventured to point out, Sir, that the sort of discussion which was possible in connection with the Finance Bill did not give a proper opportunity to study intricate questions of taxation. I compared the procedure which was available in the case of a Bill, where it is possible to have a Select Committee, and to conduct an elaborate departmental inquiry, and to circulate a Report of a Select Committee

for opinion outside. I think we have had an example in the case of the amendments dealing with the present Schedule of the dangers of attempting to legislate about taxation in the form of amendments to the Finance Bill. One of the amendments proposed was that the members of a Hindu undivided family should be assessed separately. I believe, Sir, that if that amendment had been passed, the effect of that amendment, combined with the effect of section 14 (1) of the Indian Income-tax Act, would have been to exempt all Hindu members of an undivided family from all income-tax of any kind. At least it would have created a very difficult case for interpretation by the Courts. I merely mention this as reinforcing my argument that there is a danger in what I might, without wishing to be derogatory in any way, describe as amateur legislation on matters of taxation.

Then, Sir, on the question of the merits of the case, I feel we must recognise, on this side, that in a Hindu undivided family, we are dealing with a social unit of a special nature, and that it is a unit which is difficult to fit into the present system of taxation. After very careful consideration a system had been adopted for fitting it into the income-tax provisions. I do not think any one on this side would deny that that system works out on occasions in an anomalous fashion, but I do not think that the justice is all on one side, or rather that the complaint lies in all cases on one side. We always have examples quoted of a Hindu undivided family as though it consisted of four or five "bread-winners", whose salaries are all lumped together and therefore become liable to taxation to which they would otherwise not have been liable. But it must very often happen that a Hindu undivided family takes the form of a family with one bread winner and a number of dependants. That would be exactly the same as a Muhammadan family, and there is no reason, as far as I can see, why, in that case, the limit of exemption from income-tax should be higher than in the case of other families. I quite admit that cases of injustice may arise, where there are, as I say, two or three bread winners working independently, whose incomes, according to the law now, have to be added together for the purposes of assessment. From my own short acquaintance with the subject, I should say that the present system rather tends to give an undue relief to the richer families and to fall very often in an unfair way on the poorer families. I do not think that the last word has been said on this subject, and it is quite possible that, when the question of a general revision of the income-tax law comes up, this question of dealing with a Hindu undivided family will be a question which might appropriately be considered. But I do submit, Sir, that it raises very complicated issues which cannot be properly dealt with in the sort of debate which is possible on an amendment to the Finance Bill. The present amendment is one which seeks to raise the limit of exemption from income-tax to Rs. 4,000. The effect of that, I am told, according to our calculations, would be a loss to the Government of just under Rs. 18 lakhs a year. It is not a very large sum, but it is a sum which we cannot afford to lose just at the moment. Therefore, Sir, on these grounds I regret to say that I must oppose this amendment at the present stage.

Mr. President: The question is—

"In Part I of Schedule II to the Bill the following be added to entry A (1) :

'But in case of a joint Hindu family when the total income is less than Rs. 4,000 Nil'

and consequential amendments be made in A (2) "

The Assembly divided :

AYES—36.

Acharya, Mr. M. K.
Bhargava, Pandit Thakur Das.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb
Gulab Singh, Sardar
Haji, Mr. Sarabhai Nemchand
Iswar Saran, Munshi
Iyengar, Mr. A. Rangaswami
Iyengar, Mr. S. Srinivasa
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Phookun, Srijut T. R.
Rang Behari Lal, Lala.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.

NOES—53

Abdoolah Haroon, Haji
Abdul Aziz, Khan Bahadur Mian
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain
Jawahir Singh, Sardar Bahadur
Sardar
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy
Mitra, The Honourable Sir Bhupendra
Nath

Mitter, The Honourable Sir
Brijendra
Mohammad Ismail Khan, Haji
Chaudhury.
Muhammad Nawaz Khan, Sardar.
Mukharji, Raj Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim
Rau, The Honourable Sir George
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed
Rao, Mr. V. Panduranga
Rau, Mr. H. Shankar
Rau, Mr. P. B.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George
Shah Nawaz, Mian Mohammad
Shillidy, Mr. J. A.
Simpson, Sir James
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad
Young, Mr. G. M.

The motion was negatived

Mr. Mukhtar Singh: I beg to move—

"In Part I of Schedule II to the Bill the following be added to entry A (1) :

'But in case of a joint Hindu family when the total income is less than
Rs 3,000 . . . Nil.'

and consequential amendments be made in A (2)."

I do not want to make a speech on this occasion because the arguments that I have put forward are practically the same in this case also.

Mr. K. Ahmed: Then what is the use?

Mr. Mukhtar Singh: The use is quite clear. If you are taxed and if you are a poor Hindu family you will know what it means. The Honourable the Finance Member has admitted that the Income-tax Act, as it stands today, hits hard the poor Hindu families, and I would submit that, when I have reduced the limit from Rs. 4,000 to Rs. 3,000, he will agree with me and support the amendment. With these words I move my amendment.

The Honourable Sir George Schuster: I do not think it is necessary to repeat the arguments which I have already advanced. The loss in case this amendment be accepted would also be a substantial one, namely, just under Rs. 10 lakhs, and until the whole question has been much more carefully reviewed, I find it necessary to oppose any such amendment.

Mr. President: The question is.

"In Part I of Schedule II to the Bill the following be added to entry A (1):

'But in case of a joint Hindu family when the total income is less than
Rs. 3,000 . Nil.'

and consequential amendments be made in A (2) "

The motion was negatived.

Mr. President: The question is:

"That Schedule II to the Bill stand part of the Bill "

The motion was adopted.

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill

MESSAGE FROM H E THE VICEEROY AND GOVERNOR GENERAL.

Mr. President: I have received the following communication from His Excellency the Viceroy and Governor General of India

(The message was received by the Assembly standing)

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923 to fix rates of income-tax, and to raise the import and excise duties on motor spirit, in the form hereto annexed

(Sd) IRWIN,

Viceroy and Governor General."

I need not read the whole text of the recommended Bill, but it is word for word the same as it was originally introduced

THE INDIAN FINANCE BILL—*contd.*

The Honourable Sir George Schuster: Sir, I move that in clause 2 of the Bill

Mr. S. Srinivasa Iyengar (Madras City. Non-Muhammadian Urban): Sir, on a point of order. I wish to draw your attention to Rule 36B of the Manual of Business, printed on page 43. Clause (3) says.

“Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended”

Mr. President, this rule is perfectly *intra vires*. Therefore I do not raise any question on that, but on the interpretation of clause (3) of Rule 36B, I submit the recommendation must be previous to the amendment which is sought to be moved. There must be a recommended Bill or a recommended provision, and afterwards, when the Assembly has not agreed to it, or passed it in a form not consistent with the recommendation, then the Member in charge of the Bill may move an amendment which, if accepted, would bring the Bill into the form recommended. The present case is not covered, Mr. President, by any rule, and I submit that if you, without fulfilling the requirements of section 67B of the statute, introduce a recommendation here, then you could do so only before the Assembly had expressed its opinion upon the matter. Now, there was no recommendation in the first instance and therefore what Sir George Schuster is seeking to move is an amendment to the Bill which can only be moved by him if there was an anterior recommendation and amendment thereon by the Assembly inconsistent with it. That, I submit, is perfectly obvious on the face of it. The clause says:—“makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made”, (that is the amendment that has been made by the Assembly from Rs. 1-4-0 to Re. 1) “in a form inconsistent with the form recommended”. Therefore the form recommended must be anterior to the amendment which was made by the Assembly. Now, at the time the Assembly was seized of the Bill and made an amendment, there was no recommendation. Therefore I submit, this particular rule, which is the only rule which is claimed to justify the procedure, cannot really apply. Of course I am not here to advise the Honourable the Finance Member. There is another procedure under the statute. That is that the Bill can go to the Council of State as recommended and come back here as recommended. That is a different procedure. The procedure under Rule 36B can only take place where, in the first instance, there is a recommendation, and that recommendation has been set at naught by the Assembly, or an amendment has been accepted inconsistent with that, and thereupon the Member in charge of the Bill moves an amendment. There is also another point of order which I would raise. This point which I raise was not raised on the last occasion in 1925. The point is this. Section 67A really deals with financial proposals both as to revenue and as to expenditure. Section 67B deals with Bills other than Bills dealing with financial proposals. In the case of financial proposals, whether it is by way of ways and means or whether it is by way

of expenditure, I submit, there cannot be any such thing as a recommendation. That is my submission. The reason is this that section 67B deals generally with all Bills, and section 67A deals with budget provisions in the Finance Bill. It is merely supplemental and implements the budget provisions. Therefore I submit, *generalia specialibus non derogant*, section 67A is a self-contained thing. It is a code in itself. It deals with all the financial proposals, one way or the other, and you cannot take advantage of a general provision like 67B, which applies to all possible Bills, for a Bill for which an express and specific provision has been made by Parliament in section 67B. These are the two reasons why I object to the motion which has been made.

The Honourable Sir Brojendra Mitter: Sir, two objections have been raised. I shall deal with the second first. Section 67A of the Government of India Act deals with the budget. The first clause is.

"The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year"

and then detailed provisions are made in the subsequent clauses. Therefore that deals with the estimated annual expenditure and revenue. The Finance Bill is not the estimated annual expenditure and revenue.

Mr. S. Srinivasa Iyengar: It is revenue.

The Honourable Sir Brojendra Mitter: It is not the estimated annual expenditure and revenue.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhamadan Rural): Revenue certainly.

The Honourable Sir Brojendra Mitter: I am not to be cross-examined. I am making my submission to the Chair. I am not addressing the House. My submission is this—that section 67A has no bearing whatsoever on the present amendment. Now, with regard to the other objection, it is equally frivolous. The object of Legislative Rule 36B(3) is this. The Member in charge of the Bill may move any amendment for the purpose of bringing the Bill into the recommended form. That is the right of the Member in charge of the Bill. Now, two conditions have got to be satisfied before he can exercise the right and those two conditions are contained in the earlier part of the clause. First, where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof. This condition has been satisfied, because the Governor General has made a recommendation. The next is.

"and any clause of the Bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended"

Now, in the present instance, an amendment to the Bill has been made which is inconsistent with the recommended form. That being so, my submission is that both the conditions have been fulfilled, which entitle the Member in charge of the Bill to move his amendment. Therefore, the amendment is in order.

Mr. A. Rangaswami Iyengar: Sir, I am surprised that the Law Member should consider an objection on a matter of this extraordinary kind frivolous. I am very sorry that he should have thought so in respect of a matter

[Mr. A. Rangaswami Iyengar.]

in which the fundamental rights of this Legislature have been sought to be taken away by this extraordinary and unheard of procedure. The Honourable the Law Member has said that the two conditions of the rule have been satisfied. I would ask you, Sir, to read the section as it stands. Clause (3) of Section 119 says:

"Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof . . ."

That is the first thing to happen. And subsequent to it:

"And any clause of the Bill has been agreed to, or any amendment has been made . . ."

That is something which we have done. Subsequent to that recommendation, we should have amended the Bill in a form inconsistent with the form recommended. That is the thing that should have happened before the Honourable Member told us of his intention to move that it should be restored in a form consistent with the recommendation.

Sir, it is not seen why this strange interpretation of the rule should be put by the Government. The Government have, in respect of this matter, on a similar occasion, moved the other House, got the duty restored, and have asked us to approve of the decision of the Council of State. For instance, in 1923, when the Government found that the increased salt duty was rejected by this House, they went to the other House, had the duty restored, and when it came back, it was put before us by means of a motion. That would be the occasion when a recommendation could be lawfully made in accordance with this rule, and when it was made, this House rejected it, and thereafter the certification procedure was applied. Similarly in 1927, when we reduced the salt duty from Rs. 1-4 to Re. 1, and the Council of State restored it, the Governor General thought it unnecessary to make any recommendation. But so far as the rule goes, it seems to be perfectly clear that at this stage the Honourable the Finance Member is not right to move that the amendment which we made be brought up again by means of a motion at this stage, by reason of the fact that the recommendation is subsequent to the time when we considered the original motion, and that therefore we may not do it. It is making the whole thing so thoroughly ridiculous that I am sure you will support the point of order.

The Honourable Mr. J. Crerar: Sir, I have only one observation to make in regard to what has fallen from the Honourable Member who has raised this point of order. I would invite your attention to the plain words of the rule:

"Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made . . ."

It is quite clear that the recommendation should be anterior to the amendment referred to. The matter was, I think, taken up in precisely the same form in the year 1925, and the ruling of your predecessor was in accordance with the view which I have ventured to express.

Mr. President: There was no ruling on that point.

The Honourable Mr. J. Crerar: The action taken by your predecessor was in accordance with the view of the rule I have put forward.

Mr. President: There is one point which I would like the Honourable Member to explain. His contention is that the action of the Governor General, that is, the recommendation of the Governor General must precede the amendment made by the Assembly. If that is so, what is the meaning of the latter part of the sub-rule giving power to the Member in charge to move an amendment?

Mr. S. Srinivasa Iyengar: The point is this, Mr. President. The amendment which we made is an amendment which has transformed the Bill and has made it different from the Bill which was introduced. Therefore, though generally, an amendment which has been adopted by the Assembly cannot be, by direct negative, rejected, that is, you cannot bring it up again, this rule gives the Finance Member, as the Member in charge of the Bill, right to move the opposite of it, in order to restore the clause as it stood. The words "has been made, in a form inconsistent with the form recommended" do not mean in a form inconsistent with a form to be recommended or which will thereafter be recommended. Those are words which are not there and that would really be driving a coach and four through this rule.

Mr. President: I am not able to get a satisfactory explanation.

Mr. S. Srinivasa Iyengar: The explanation is that the Member in charge of the Bill moves by way of an amendment the substantive clause which is not in the Bill as finally adopted by the Assembly. He puts in his amendment and therefore the amendment makes the Bill different from the Bill recommended to the Assembly. The Finance Member, by virtue of this rule, brings, by way of amendment, the clause which should have been passed according to the Governor General's ruling, therefore I do not see how there is any difficulty in this. It is an amendment to an amendment made by the House. The amendment made by the House is in defiance of the recommendation of the Governor General. The House does not listen to the Governor General and passes a different provision. The Governor General says "My recommendation has been upset", therefore this amendment, which gives the House an opportunity of reconsidering this motion

Mr. President: Supposing the recommendation had come before clause 2 was amended, and the Assembly subsequently reduced the salt duty to Re. 1, what would be the subsequent procedure?

Mr. S. Srinivasa Iyengar: At once to move an amendment that it be made into Re. 1-4

Mr. President: In spite of the fact that the Assembly has chosen deliberately to set aside the recommendation and to carry the amendment reducing the tax to Re. 1?

Mr. S. Srinivasa Iyengar: It is perfectly open to the Governor General to accept that amendment which is made. The rejection of the amendment by the Assembly is a rejection which does not attack automatically the amendment which is to be made. A *locus penitentia* is given to the Governor General, whether he wants that this rejection should be set at naught, and if he still persists, then the Assembly votes it or does not vote it. Then comes certification. There are two stages. The first is recommendation. The Assembly has an opportunity of accepting it, but it is only a recommendation.

Mr. President: The Assembly has rejected the recommendation. Does that not then end the matter?

Mr. S. Srinivasa Iyengar: No. It is open to the Governor General to insist that the amendment should be made. I am relying on the ordinary grammatical interpretation.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban). On the plain language of the rule,
 4 P.M. Sir, it seems to me to be quite evident what its real meaning is. The carrying of an amendment should be a conscious act on the part of the Assembly of doing something inconsistent with something that has been done by the Governor General. That is to say, the amendment must be passed by the Assembly in spite of the fact that the Assembly is aware that there is a recommendation by the Governor General that it should be adopted in a different form. Now comes the question you have just put; why is it that the Honourable Member in charge is given an opportunity of moving amendments. If he were not given the opportunity of moving amendments, then of course there is the amendment which has been carried . . .

Mr President: In spite of the recommendation

Pandit Motilal Nehru: Yes, how is the Act to be a recommendation of that amendment because it is carried in spite of the amendment.

Mr. President: Nothing comes from the Governor General in between for the Assembly to change its view?

Pandit Motilal Nehru: Therefore it is the Honourable Member in charge is given power to move, so to speak, an amendment to that amendment, in order to give effect to the recommendations of the Governor General. There seems to be some meaning in giving effect to that recommendation, for that recommendation is given effect to by the Governor General himself by certifying, or it is given effect to by special procedure which is prescribed. I submit that the special procedure which is prescribed is this, that the Honourable Member in charge, when the amendment has been carried, in spite of the recommendation, has a right to move to consider the matter. It may be that the Governor General may change his mind or he may instruct the Member in charge not to move his amendment at all. But if he, as my Honourable friend put it, persists, then there is a summary procedure prescribed and he has simply to get up and move the amendment, that is, the clause as recommended be passed, and the amendment carried by the Assembly be set at naught. I submit the additional procedure which has been prescribed for this special case is merely to save time, whatever the cause may be. The words are quite clear. When we are passing an amendment, we must be doing it, knowing that it is going against something. There must be some pre-existing recommendation.

Mr. President: There is great force in what the Leader of the Opposition says, but my difficulty is this. I am not able to reconcile the latter part of the sub-rule empowering the Honourable the Finance Member to move an amendment in spite of the fact that the Assembly has already made alteration in the Bill inconsistent with the recommendation. It seems to me to be meaningless.

Mr. S. Srinivasa Iyengar: That is the option.

Pandit Motilal Nehru: Or the Government might certify or they may take it to the other House. All these procedures are open. It is only an additional string to the bow of Government.

Mr. A. Rangaswami Iyengar: May I say one word on this point?

Mr. President: The Honourable Member is not entitled to speak twice.

The Honourable Sir George Schuster: I venture to submit that the interpretation which Honourable Members opposite seek to put upon this clause would make the words used entirely meaningless. They would be forcing the words used into a meaning which, in the proper sense of the English language, they could not bear, and which would rob the clause itself of every kind of practical effect. Sir, the words used are—

“Where during the passage of a Bill in either Chamber the Governor General *makes* a recommendation in respect thereof,”

that is to say, the present tense is used, then the rule proceeds—

“and any clause of the Bill *has* been agreed to, or any amendment *has* been made in a form inconsistent with the form recommended,”

that is to say, the past tense is used. The two acts do not synchronise and are not intended to synchronise. The passing of “an amendment in a form inconsistent” with the recommendation is anterior to the recommendation. I cannot see how Honourable Members can put any other construction on these words. Then, Sir, how is it possible to give any practical effect to the clause if it means anything different to what I submit. At what stage is the Governor General to make a recommendation if we are to accept the interpretation that Honourable Members seek to put on the clause? Is the Finance Bill to be introduced in its original form as a recommended measure? Sir, the way in which I interpret the procedure is this. There are, in the form of procedure which we are following now, three steps. The Government brings in a Bill, that is a Bill supported by Government. It is not technically recommended by the Governor General, but it is a Bill supported by the Government, and the opposition amends that Bill. It reduces it to a different form from that in which the Government proposed it. The Government thinks that it is necessary to restore the Bill to its original form. The Governor General sends back the Bill to this House as a recommended Bill and the Member in charge in order to give effect to the Governor General’s recommendation has to move an amendment to the Bill as it stands after having been dealt with and amended by this House. Honourable Members then have an ample opportunity to debate the amendment moved by the Member in charge. If they again reject the amendment then the fact that the Bill has become a recommended Bill gives to the Governor General the power of certification. The recommendation of the Governor General is a necessary preliminary for making available his powers of certification. But if the section is to be interpreted as suggested by my Honourable friends opposite, those powers could never arise at all, and the whole section would in effect, be null and void. I do submit, Sir, that both on a proper interpretation of the language used, and also, having regard to what is the obvious

[Sir George Schuster.]

intention of the section, the objection of my Honourable friends opposite cannot succeed, and the difficulty which you, Sir, feel, I think points to the realities of the case.

Mr. President: I think there is no particular urgency requiring me to give my decision on this point of order at once because in any case the Bill is not likely to be finished today and I hope the House will not be inconvenienced if I reserve my decision till tomorrow.

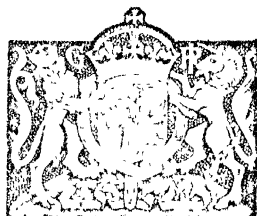
The Assembly then adjourned till Eleven of the Clock on Thursday, the 28th March, 1929.

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 28th MARCH, 1929

Vol. I—No. 37

OFFICIAL REPORT



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DELHI
GOVERNMENT OF INDIA PRESS
1929

Price Five Annas.

LEGISLATIVE ASSEMBLY.

Thursday, 28th March, 1929.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS

RESOLUTION REGARDING BACKWARD TRACTS IN THE PROVINCE OF BIHAR AND ORISSA.

1292 ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state what steps they have hitherto taken on the Resolution of this Assembly, passed on the 10th February, 1927, regarding the backward tracts in the Province of Bihar and Orissa?

(b) Will Government lay on the table all the correspondence that passed between the Government of India on the one side and the Secretary of State for India and the Bihar Government on the other?

(c) Will Government be pleased to state their own attitude towards the said Resolution, and whether they accept it or not? If the reply be in the affirmative, when do they propose to give effect to it? If they do not, why not?

The Honourable Mr. J. Orerar: (a) The Honourable Member is referred to the reply given by Sir Alexander Muddiman to Mr. Siddheswar Prasad Sinha's question No. 885 on the 12th March, 1927, and the reply which I gave to his question No. 554 on the 29th of August, 1927.

(b) Government are not prepared to do so

(c) The attitude of Government in this matter was fully stated by Sir Alexander Muddiman in the debate on the Resolution of the 10th of February, 1927, of which the Honourable Member's perusal is invited.

Kumar Ganganand Sinha: Is not the Honourable Member aware that his predecessor and he himself did not say anything as to why it is not proposed to exclude at least the Dikku tract from the tracts which are under special regulation?

The Honourable Mr. J. Orerar: The case on behalf of the Government was fully stated in the debate to which I invite the attention of the Honourable Member

Kumar Ganganand Sinha: It is not stated there, Sir; may I point this out to the Honourable Member?

The Honourable Mr. J. Orerar: The attitude of the Government was stated in it.

Kumar Ganganand Sinha: Yes, the attitude of the Government was stated in it; but the Honourable Member did not say why those tracts which are not predominately populated by the Santhals—that is, those tracts which are called Dikku tracts—are brought within the same regulations as those which are populated by the Santhals mostly.

Mr. President: That is a very involved question.

Mr. Ram Narayan Singh: Will Government kindly state definitely what is their decision or their remarks or recommendations on the subject?

The Honourable Mr. J. Orerar: I cannot add anything to the very full statement, which was made by my predecessor.

Mr. Siddheswar Prasad Sinha: Is it not a fact that some changes were introduced in one or two districts after the Resolution was passed in this House?

The Honourable Mr. J. Orerar: I have no information to that effect.

FILLING OF THE POST OF ACCOUNTANT AND CASHIER OF THE GOVERNMENT OF INDIA PRESS, DELHI.

1293. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if the post of the accountant and cashier has fallen vacant in the Government Press, Delhi? If so, is it a fact that influence is being brought to bear on the Controller of Printing and the Manager of the Press by certain Moslem individuals and associations to overlook the claims to promotion of qualified men already employed in the Press?

(b) Is it a fact that a Moslem deputation waited on the Controller of Printing in this connection last month with applications from their relatives? If so, what was the reply given by the Controller to the deputation?

(c) Is it a fact that the Moslem Association, Delhi, has addressed the Controller of Printing several communications on the subject and also nominated their own candidate for the post?

(d) Is it a fact that Honourable Members of the Council of State have written letters to the Controller of Printing and the latter has replied to these letters? If so, will Government be pleased to place a copy of the correspondence on the table?

(e) Is the Controller of Printing bound to act upon certain instructions issued by the Home Department regarding departmental promotions or is he to comply with the demands of the Moslem deputations or other individuals to fill the appointment in a certain way?

(f) Will men with good qualifications, already working in the Government of India Press, Delhi, with fifteen to twenty years' service in the Press, be deprived of promotion to the higher vacant post in the chain of arrangements?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Representations on the subject were received by the Controller of Printing, and the Manager of the Press from a certain Moslem Association and from certain Moslem gentlemen urging the appointment of a Muhammadan to the post.

(b) Yes; the Controller of Printing informed the deputation that the applications would be considered along with others.

(c) Yes.

(d) The Controller reports that he received a letter from an Honourable Member of the Council of State, to which he sent a suitable reply. Government regret that they are unable to place a copy of the correspondence on the table.

(e) Yes; the Controller of Printing is following the instructions issued by the Government of India.

(f) The post is still vacant and the claims of all will be duly considered by the Controller.

INCREASED RECRUITMENT OF HINDUS TO THE INDUSTRIAL SECTIONS OF THE GOVERNMENT PRESS AT DELHI

1294. ***Mr. Mukhtar Singh:** Is it a fact that the proportion of Muhamadans in the industrial Branch, Government Printing, Delhi, is very high, and that Hindus hold less than half the posts in the same? If it is so, are Government prepared to issue orders for increased recruitment of Hindus?

The Honourable Sir Bhupendra Nath Mitra: The percentage of Muhamadan employees in the industrial staff of the Delhi Press is somewhat higher than that of Hindu employees. It has recently been decided to apply the orders relating to the appointment of members of minority communities to the industrial establishment in the Government of India Presses. Government do not propose to issue orders on the lines suggested by the Honourable Member.

POLICY OF THE GOVERNMENT OF INDIA IN REGARD TO THE REDISTRIBUTION OF PROVINCES.

1295. ***Maulvi Muhammad Yakub** (a) What is the policy of the Government of India as regards the redistribution of provinces?

(b) Is it a fact that linguistic or racial considerations do not form the basis of the territorial changes in India?

(c) Is it the policy of the Government of India that only self-supporting territories can be formed into separate provinces?

(d) Is the North-West Frontier Province a self-supporting province?

(e) What recommendation, if any, have the Government of India made in their memorandum to the Simon Commission about the separation of Sind?

The Honourable Mr. J. Crerar: (a) and (b) The attention of the Honourable Member is invited to the introductory note presented to the Indian Statutory Commission by the Government of India on claims which have been made to redistributions of provincial territories on a racial or linguistic basis, of which a copy has been placed in the Library.

(c) Government have made no recommendations for the formation of new provinces.

(d) Revenues accruing in the North-West Frontier Province do not balance the expenditure incurred in the Province.

(e) No memorandum on the separation of Sind has been submitted to the Statutory Commission by the Government of India.

Mr. Anwar-ul-Asim: Will the Honourable Member kindly tell us whether all the provinces, major and minor, are self-supporting in this country?

The Honourable Mr. J. Orerar: I have given one instance, Sir.

INTRODUCTION OF REFORMS ON THE LINES OF THE MINTO-MORLEY REFORMS IN THE NORTH-WEST FRONTIER PROVINCE.

1296. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the Government of India have recommended the introduction of reforms in the North-West Frontier Province on the lines of the Minto-Morley scheme of reforms?

(b) Have the people of the North-West Frontier Province ever demanded reforms on the lines of the Minto-Morley scheme of reforms?

(c) Did Government consult the people of the North-West Frontier Province before making the above recommendation? If not, why not?

Sir Denys Bray: (a) No, Sir

(b) Various proposals from "full Reforms" to "no Reforms" have been put forward at various times by various sections of the people.

(c) In view of the answer to (a), (c) does not arise.

CORRECTNESS OF SUMMARY PUBLISHED IN THE "HINDUSTAN TIMES" OF THE GOVERNMENT OF INDIA'S MEMORANDUM TO THE SIMON COM- MISSION.

1297. ***Maulvi Muhammad Yakub:** (a) Have Government seen the summary of the Government of India's memorandum to the Simon Commission published in the *Hindustan Times*, dated the 14th March, 1929?

(b) Is that summary a correct one?

The Honourable Mr. J. Orerar: (a) The Government of India have supplied the Indian Statutory Commission with memoranda on the subjects shown on the list which I lay on the table. A copy of each of these memoranda has been placed in the Library for the information of Honourable Members.

List of Memoranda submitted by the Government of India to the Indian Statutory Commission.

1. A short sketch of the existing reformed constitution.
2. A short sketch of the operation of the constitution in the Central Government.
3. A note on communal disorders.
4. Communal representation in the legislatures and local bodies
5. The present representation of Commerce, Industry, Labour, Education and other interests in the provincial and central legislatures
6. The recommendations of the Reforms Inquiry Committee.
7. Some instances in which the question of the powers of the Government of India to administer or control particular subjects has arisen

8. Agency.
9. Premature interference of the courts with the legislatures.
10. The system of Government in the North-West Frontier Province
11. The Delhi Province
12. The Andaman and Nicobar Islands.
13. Coorg
14. Introductory Note on claims made to redistributions of provincial territories on racial or linguistic basis
15. The formation of a separate Andhra province
16. The formation of a separate Tamil province
17. The formation of a separate Kanara province
18. The amalgamation of the Oriya-speaking peoples
19. The transfer of Sylhet from Assam to Bengal.
20. The position of the High Courts.
21. The depressed classes.
22. The Superior Civil Services
23. The Public Service Commission.
24. The Division of the sources of revenue between the Central Government and the provincial Governments
25. Financial relations between the Central Government and the provincial Governments (parts A, B, C, D, E, F, G, H, J).
26. The development and working of representative institutions in the sphere of local self-government.
27. The growth of education
28. Status and position of India in the British Empire
29. Baluchistan
30. Ajmer-Merwara.
31. The position of Governors in regard to Indian States not in direct relations with the Governor General in Council.
32. The State and Industry

ACTIVITIES OF THE MAHAJAN ASSOCIATION.

1298. ***Mr. Siddheswar Prasad Sinha:** Has the Mahajan Association kept the Government of Bombay and this Government informed fully of their activities ever since its incorporation in 1925?

The Honourable Sir George Rainy: The Government of India have received from the Association a copy of its Second Annual Report. I am unable to say whether the Association has kept the Government of Bombay fully informed of its activities.

RULES FOR THE GRANT OF WINTER ALLOWANCE TO ARMY HEADQUARTERS ESTABLISHMENT IN SIMLA.

1299. ***Mr. Siddheswar Prasad Sinha:** (a) What is the object of the grant of winter allowance to the Army Headquarters establishment in Simla?

(b) Is it a fact that the allowance is granted for extra expenses on heating arrangements incurred at Simla during the winter?

(c) Is it a fact that, in some of the branches of the Army Headquarters, the practice is to grant this allowance to clerks, even when they are not actually on duty in Simla, and their substitutes are deprived of it?

(d) Do Government propose to issue instructions that the allowance should be granted only to those permanent or officiating clerks who have been actually on duty during the last winter season?

Mr. G. M. Young: (a) and (b). The object of the winter allowance in Simla is to assist those to whom it is admissible to meet the extra expense on such things as fuel and clothing entailed by the cold weather.

(c) Yes, during privilege leave only. This is permissible under the existing rules, which are discretionary.

(d) I will consider the Honourable Member's suggestion so far as Army Headquarters are concerned, but I cannot promise that it will be carried out.

GRANT OF HOUSE-RENT TO CLERKS OF THE GOVERNMENT OF INDIA MAKING PRIVATE ARRANGEMENTS FOR RESIDENCE IN NEW DELHI.

1300. ***Mr. Siddheswar Prasad Sinha:** (a) What is the present rate of house-rent allowed to the clerks of the Government of India offices who, for want of Government residential quarters in New Delhi, have to make their private arrangements in Delhi City?

(b) Is it a fact that this house-rent is not allowed to those who make their private arrangements for residence in New Delhi in quarters other than Government quarters? If so, why?

(c) When do Government propose to consider the advisability of the grant of house-rent allowance to all who are not provided with Government quarters irrespective of the fact where they make their private arrangements?

The Honourable Mr. J. Orerar: (a) I am sending the Honourable Member a statement showing the rates of Delhi house-rent allowance admissible, in certain circumstances, to the clerks living in Delhi City.

(b) Yes. Because the conditions in New Delhi are not the same as in the city.

(c) No such action is at present contemplated.

PROVISION OF AN ELECTRIC POINT IN THE GODOWN ROOM OF "D" CLASS QUARTERS IN NEW DELHI.

1301. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that no electric point is provided in the godown room of "D" class quarters in New Delhi?

(b) Are Government aware that this causes great inconvenience to the occupants of the quarters?

(c) When do Government propose to remove this general grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative.

(b) and (c). The matter is at present under consideration.

SPREAD OF TUBERCULOSIS IN PESHAWAR DUE TO CONGESTION OF THE CITY.

1302. ***Mr. A. H. Ghuznavi:** Is it a fact that:

- (a) a house to house search had recently been conducted in the town of Peshawar under the orders of the Chief Medical Officer, North-West Frontier Province, and it had been discovered that 3,000 tuberculosis cases had actually been present in that City, and
- (b) the Chief Medical Officer has given congestion of the City as one of the main reasons for the spread of tuberculosis, and has asked for a special hospital at Peshawar, and a sanitarium at Haripur?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer questions Nos. 1302 and 1303 together.

The Honourable Member's attention is invited to the reply given on the 22nd instant to Mr. Muhammad Ismail Khan's question No. 1189. As regards sub-part (5) of part (b) of question No. 1303, the number of applications so far received is not even one-half of the number suggested by the Honourable Member.

EXTENSION OF PESHAWAR CITY.

†1303 ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state when the wall round Peshawar City was built and by how much the population has increased within its enclosures since the wall was built?

(b) Is it a fact that:

- (1) since the wall was built, no efforts have ever been made to remove the congestion by expansion of the City;
- (2) owing to insecurity of life and property, no one can reside outside the wall and start an extension of the town, unless and until the area is first made secure by barbed wire perimeter and police patrol and postal arrangements;
- (3) the Cantonment of Peshawar is being similarly guarded as mentioned in part (b) (2) above;
- (4) the local Municipality has only now decided to add about twenty acres of land to the City;
- (5) about 2,000 applications have since been received for the purchase of this small plot to build houses thereon?
- (6) the proposed accommodation is not at all adequate?

FOUNDING OF A CIVIL STATION OUTSIDE PESHAWAR CITY.

1304. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state if it is not a fact that there is a tendency on the part of the rich residents of the town to live in the Cantonment of Peshawar with a view to avoiding the congested life in the City and thus escape from imminent danger by paying even fabulous prices for bungalows for their residences?

† For answer to this question, see answer to question No. 1302.

(b) Is it not a fact that this has resulted in a situation created between the military authorities and the Indian residents in Peshawar Cantonment, the former being apprehensive of room in the Cantonment getting cramped by this tendency?

(c) Will Government be pleased to lay on the table a copy of the correspondence which took place on the subject between the House Owners' Association, Peshawar Cantonment, and the military authorities?

(d) Is it not a fact that the Deputy Secretary, and subsequently the Secretary to the Government of India, Army Department, himself proceeded to Peshawar to discuss the matter with the House Owners' Association?

(e) Is it not a fact that it was proposed by the Secretary to the Government of India, Army Department, at the interview, that the military authorities would arrange with the Local Government for the formation of a civil station and for such guarding and other arrangements of the same as the Cantonment itself, if the house-owners so wished?

(f) Will Government be pleased to state what steps will be taken for the founding of a substantial civil station outside Peshawar City?

Mr. G. M. Young: This question was asked, in identical terms, by Diwan Chaman Lall on the 18th March. I would refer the Honourable Member to the answer given on that date, and also to the reply given to Mr Muhammad Ismail Khan's question No. 1190 on March 22nd.

Dr. B. S. Moonje: May I be allowed to ask the questions, Sir, standing in the name of Pandit Hirday Nath Kunzru?

Mr. President: Dr B S Moonje

RULES FOR MEDICAL ATTENDANCE FOR ANGLO-INDIANS AND INDIANS ON THE EAST INDIAN RAILWAY.

1305. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):
(a) Is it a fact that, under the rules in force on the East Indian Railway, wives and children of European and Anglo-Indian subordinates drawing a salary of less than Rs 250 per mensem are entitled to the gratuitous attendance of the sub-assistant surgeon at their houses?

(b) Is it a fact that in cases of sickness among the families of Indian employees, it shall be the duty of the sub-assistant surgeon to give such attendance as may be necessary "who shall not charge any fees in the case of any Indian employee whose pay is below Rs 50 per mensem"?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 1305, 1307 and 1308 together. The provisions to which the Honourable Member refers in the first two appear in the Hand Book of General Rules and Regulations for all departments of the East Indian Railway to which the last question relates. The copy of this Hand Book, which is available in the Railway Board's office, is dated 1916 and must no doubt have been subjected to serious alterations since then. The Agent is aware of the policy of the Government of India, that all traces of racial discrimination should be completely eliminated, and is no doubt taking steps to remove such remnants as still remain. I am sending him a copy of the Honourable Member's questions for necessary action.

Dr. B. S. Moonje: Will the Honourable Member please state the reasons why Anglo-Indians getting less than Rs 250 per month have a right to have their families treated gratis, whilst no such right has been granted to the Indians?

Mr. P. R. Rau: I cannot enter into past history, Sir. I have already told the Honourable Member what the present policy of the Government is.

Munshi Iswar Saran: What recommendation, may I know, have the Government of India made to the Agent of the East Indian Railway?

Mr. P. R. Rau: The Government of India have informed the Agent that all traces of racial discrimination should be completely eliminated.

Munshi Iswar Saran: May I know what specific recommendation has been made in regard to the matters mentioned in this question?

Mr. P. R. Rau: The Government propose to send a copy of this question to the Agent and ask him to remove all traces of discrimination.

Munshi Iswar Saran: Are we to understand that Government will send this question to the Agent, and ask him to remove the grievances mentioned in it?

Mr. P. R. Rau: Yes.

PROVISION FOR INDIAN MATERNITY CASES IN HOSPITALS AT STATIONS
ON THE EAST INDIAN RAILWAY.

1306 ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):
(a) What steps have the East Indian Railway so far taken to make suitable provision for Indian maternity cases in their hospitals?

(b) Will Government state the names of the stations in which such provision has been made and the fees required to be paid in such cases?

Mr. P. R. Rau: (a) The Agent, East Indian Railway, reported, some time ago, that maternity cases of any nationality are admitted to the East Indian Railway hospitals, in which nursing staff are stationed, and should Indian employees apply for admittance of their maternity cases, they could be admitted where accommodation was available, and receive the attention of the medical staff, similar to that given to European and Anglo-Indian maternity cases.

(b) Government have no detailed information about the stations at which such provision is available, nor the fees to be paid, but will obtain the information from the Agent of the East Indian Railway and communicate it to the Honourable Member on receipt.

Dr. B. S. Moonje: Is it a fact that Anglo-Indians are given preference in the matter of accommodation while Indians have to take their chance if accommodation be available?

Mr. P. R. Rau: So far as I understand from the Agent's reply, it is not so.

**DIFFERENCE IN PAYMENTS MADE TO ANGLO-INDIANS AND INDIANS FOR
STUDY OF THE ST. JOHN'S AMBULANCE COURSE.**

†1807. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):
(a) Is it a fact that, on the East Indian Railway, an Anglo-Indian employee attending a St John's Ambulance lecture gets Rs. 2 per lecture while an Indian gets only eight annas per day?

(b) Is it also a fact that, while an Anglo-Indian employee, after passing the ambulance test at the end of the course of lectures, gets a reward of Rs. 15, an Indian employee gets only Rs. 5?

**REVISION OF HANDBOOK OF RULES ON THE EAST INDIAN RAILWAY TO
REMOVE RACIAL DISCRIMINATION.**

†1808. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):
When do Government propose to revise the Hand-book of Rules in force on the East Indian Railway to remove all trace of racial discrimination in the rules?

**NUMBERS AND NAMES OF CANDIDATES WHO APPEARED FOR AND PASSED
THE EXAMINATION FOR SANDHURST, WOOLWICH AND CRANWELL.**

1309 ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):
(a) What was the total number of candidates who appeared for the last competitive examination for Sandhurst, Woolwich and Cranwell and how many of them were successful?

(b) Is it a fact that no candidates succeeded in the examination for Woolwich or Cranwell?

(c) Will Government place on the table a list showing the names of the candidates who were successful in the Sandhurst examination, together with the marks obtained by them in each subject and in the aggregate?

(d) Will Government place a similar statement on the table showing the marks obtained by those candidates for Woolwich and Cranwell who received more than the pass marks in their examination but failed in the oral examination?

(e) Did the candidates appear before a Committee for oral examination, if so, what are the names of the members of the Committee?

(f) Do Government propose to take steps to have the conduct of the oral examination entrusted to the Public Service Commission?

Mr. G. M. Young: (a) and (b) I presume the Honourable Member refers to Indian and Anglo-Indian candidates 117 applications to sit at the examination held in November last were received by the Government of India. 75 were eligible and were accepted. Of the candidates accepted, some failed to present themselves for examination and others were found medically unfit. 59 candidates in all completed the examination, including 2 who sat for it in England. Of these, 7 were successful for Sandhurst. No candidate was successful for Woolwich. One candidate qualified for Cranwell, but had given Sandhurst as his first choice.

(c) and (d) The names of the successful candidates have already been published in the Press. The Civil Service Commissioners, who conduct the examination, issue a report on the examination, containing the papers

† For answer to this question, see answer to question No. 1305

set, and the marks obtained in each subject by successful and unsuccessful candidates. The report is expected shortly and, when it is received, copies will be placed in the Library. The report will also be on sale to the public.

(e) Yes. They appeared before a Board composed of two senior officers of the Indian Army who have commanded Indian regiments, the Educational Commissioner with the Government of India, and a non-official Indian gentleman nominated by His Excellency the Viceroy. When candidates for Cranwell were under examination, the Board included also a senior officer of the Royal Air Force. The names of the members are as follows: Major-General Godwin, Major-General Barstow, Mr. Littlehales, and Nawab Sir Sahibzada Abdul Qaiyum. The Royal Air Force representative on the Board was Air Vice-Marshal Sir Geoffrey Salmond.

(f) It might be inferred from the Honourable Member's question that he is casting aspersions on the competence or good faith of the members constituting the oral Board; but I feel sure that this is not his intention. The Board is constituted exactly as recommended by the Indian Sandhurst Committee, in paragraph 27 of their Report, on the analogy of the Board in England, which consists of two senior military officers, one Civil Service Commissioner, and, in the case of Indian candidates, a representative of the India Office. There would, of course, be no difficulty in substituting a member of the Public Service Commission for the Educational Commissioner on the Board. But the Indian Sandhurst Committee presumably had good reasons for recommending the latter officer; nor can Government see what advantage would accrue from the change. I should add, that the Public Service Commission are freely consulted by the Civil Service Commissioners in regard to the whole examination.

Dr. B. S. Moonje: How many vacancies were there? How many were filled? And how many were not filled?

Mr. G. M. Young: As far as I remember, the vacancies were 10 for Sandhurst, 6 for Woolwich and 6 for Cranwell.

Dr. B. S. Moonje: How many were filled?

Mr. G. M. Young: I have answered that already. 7 qualified for Sandhurst.

Diwan Chaman Lall: May I ask the Honourable Member to give us the percentage of passes from these three Colleges of Indians and the similar percentage of English candidates who passed from these colleges in the same year?

Mr. G. M. Young: I must ask for notice of a question like that.

Diwan Chaman Lall: Is the Honourable Member aware that the percentage of failures of English candidates amounts to about 4 per cent., whereas the percentage of failures of Indian candidates amounts to about 88 per cent?

Mr. G. M. Young: I have not yet seen the results in the case of British candidates.

Diwan Chaman Lall: May I take it that the statement is correct or nearly correct, as I have stated it on the floor of this House, and that the Honourable Member will inquire into the reasons for such a high percentage of failures in the case of Indians?

Mr. G. M. Young: The Honourable Member cannot take it from me that his statement is correct. I have no means of checking it.

Diwan Chaman Lall: May I take it that the Honourable Member will supply me with the information when he has checked it?

Mr. G. M. Young: The results of the examination are published and will shortly reach India.

Diwan Chaman Lall: The Honourable Member has not given me the percentage regarding the English candidates, and I want to know if he is prepared to give me this?

Mr. G. M. Young: The results of the examination are published and will come to India. They will show the percentage of English candidates just as much as the percentage of Indian candidates.

The Revd. J. C. Chatterjee: May I ask if the marks awarded by this Board for interview and record will be published?

Mr. G. M. Young: If the Honourable Member had listened to my answer to the main question, he would have known that that is the case.

Diwan Chaman Lall: May I ask the Honourable Member whether he can supply any information to the House, why there has been such a high percentage of failures of Indians?

Mr. G. M. Young: I presume because candidates were not sufficiently highly qualified to pass.

Dr. B. S. Moonje: May I know, Sir, why candidates getting 796 and 850 marks have not been declared to have passed the examination when candidates obtaining 654 and 624 marks have been declared passed?

Mr. G. M. Young: The Honourable Member is quoting from a document which I have conveyed to him for information. The reason why candidates who obtained higher aggregates have not done as well as candidates with slightly lower aggregates is that the former did not qualify in the interview and the oral test as well as the written examination.

Dr. B. S. Moonje: In the interview some of these candidates got 130, 100 and 120 marks. How is it then that they are not regarded as having passed the examination?

Mr. G. M. Young: I think, if the Honourable Member will look at the head of the column he will see what are the minimum qualifying marks in each subject.

Dr. B. S. Moonje: The maximum marks are 400 in the interview and record, out of which 130, 100 and 120 marks have been obtained, and I should like to know why they have not been declared as passed?

Mr. G. M. Young: I must repeat what I have said, that if the Honourable Member looks at the head of the column I think he will find what is the minimum qualifying mark.

An Honourable Member: Why don't you say yourself.

Dr. B. S. Moonje: There is no such thing as a minimum qualifying number of marks in this. I should like to know what it is.

Diwan Chaman Lall: Has the Honourable Member got any information regarding the minimum qualifying marks?

Mr. G. M. Young: I have not got the statement with me, but I think it is 140.

Diwan Chaman Lall: May I ask the Honourable Member whether he is aware that a great deal of dissatisfaction exists in the minds of Honourable Members on this side of the House as to the state of affairs, which results in such a high percentage of failures of Indians, and whether he is aware that this is a matter probably of policy which has got to be looked into, and whether he is prepared to make a statement regarding the matter on the floor of this House?

Mr. G. M. Young: I have not entirely followed that question. It is of course a matter of dissatisfaction to everybody that a high percentage of Indian candidates should have failed at the examination. This is the first examination under the new system. The percentage of failures is certainly higher than it used to be under the old system, but a far larger number of candidates have appeared. Government will, of course, give their closest attention to the matter in order to see what the difficulties are and to rectify them. That was one of the reasons for the appointment of the Sandhurst Committee, to rectify the existing state of affairs, which was that the quality and quantity of Indian candidates coming forward for King's commissions were very poor.

Dr. B. S. Moonje: Will the Honourable Member state in detail the reasons why no candidates were selected for Woolwich when some of them have secured such high marks as 796 and 850 and in interview as high as 130? Will the Government state reasons in detail why such boys have not been selected?

Mr. G. M. Young: The only persons who could give reasons would be the persons who constituted the Examination Board.

Dr. B. S. Moonje: But there ought to be some reasons why the Board did not think them fit to be selected.

Mr. G. M. Young: Presumably, Sir, because they were not fit.

Diwan Chaman Lall: Is the Honourable Member prepared to institute an inquiry into this matter?

Mr. G. M. Young: Into what matter?

Diwan Chaman Lall: The matter of the dissatisfaction caused in the country in regard to the policy that is responsible for this high percentage of failures.

Dr. B. S. Moonje: Inquiry as regards the policy, the principles and the rules for the selection of Indian boys. We want clear and definite rules of selection?

Mr. G. M. Young: With regard to the Honourable Diwan Chaman Lall's question, I am afraid the matter is rather too vague, as stated by him, for me to undertake to institute an inquiry. As regards what my Honourable friend, Dr Moonje, said, the method of examination was arrived at after very careful consideration; and if defects are found—and I do not for a moment suggest that that is likely to happen—if defects are found, of

course every endeavour will be made to rectify them. The main difficulty is that the candidates were not up to the standard. There is no doubt about that.

Colonel J. D. Crawford: Is it a fact that the Sandhurst Committee emphasised the necessity of maintaining the standard of efficiency?

Mr. G. M. Young: Several times, Sir, in the course of their Report.

Diwan Chaman Lall: Is the Honourable Member aware that, on this side of the House, it is felt that it is not a question of the standard of the candidates at all, but of the definite policy of preventing Indians from getting into the higher ranks of the Army?

Mr. G. M. Young: If my Honourable friend means that the standard forms no part of the policy, he is mistaken.

Diwan Chaman Lall: Is the Honourable Member aware that on the last occasion a young man who passed through Dehra Dun and stood first in his examination, was turned down through methods which I can only describe as disgraceful?

(No answer was given.)

TOTAL EXPENDITURE INCURRED ON THE PENINSULAR LOCOMOTIVE WORKS.

1310. ***Sir Darcy Lindsay:** With reference to the replies given to question No 484, on the 19th March, 1928, will Government be pleased to state what has been the total expenditure to date on the Peninsular Locomotive Works and the following particulars?

- (a) Original purchase price, less amount realised on machinery and plant transferred or sold?
- (b) Total cost to date of additions to buildings, machinery, and plant;
- (c) Are the Works now complete? If not, what additional expenditure is proposed?
- (d) What is the present capital cost figure and have any interest charges been added?
- (e) Are all supervision, audit and other applicable overhead charges, including depreciation and interest on capital at charge, taken into account in arriving at costings of underframes? If so, what is the percentage added to actual works cost?
- (f) Is any proportion of the cost of maintenance of the Railway Board debited to these Works?
- (g) What is the average cost respectively of broad gauge and metre gauge underframes plus percentage for overheads as detailed, and how many of each were completed in the year 1928 to which the cost given refers?
- (h) Are underframes manufactured at these Works required to pass the same rigid inspection test by the Inspection Department of the Government of India as is the case with private manufacture?

- (i) Have any tenders been recently invited from any firm or works in India for underframes, and if so, what is the difference in price, if any, in comparison with costings at these Works?
- (j) Are the accounts at these works maintained on a commercial basis and the purchasing railways charged with full cost of manufacture and overheads?

Mr. P. R. Rau: (a) to (d). The purchase price of the Works amounted to 20 lakhs. The value actually realised on machinery and plant transferred or sold is not available in the Railway Board's Office. This information, as well as the information asked for in parts (b), (c) and (d) of the question, is being obtained from the Agent, East Indian Railway, and will be communicated to the Honourable Member on receipt.

(e) The answer to the first part of the question is in the affirmative. As the Honourable Member is no doubt aware, the actual percentage that the total overhead charges bear to the works cost depends upon the number of underframes actually manufactured during any particular year, but it has been estimated that, if the number of underframes manufactured is equivalent to the output for which the works have been laid out, which is about 550 per annum, the percentage of overhead charges (including depreciation, interest on capital and headquarters supervision and office charges) to the actual works cost, which includes the total cost of material, wages of labour and supervision at works, would be slightly over 8 per cent.

(f) The percentage of overhead charges added takes into account the cost of administrative supervision, including that of the Railway Board.

(g) No metre gauge underframes have yet been undertaken at Tatanagar and no broad gauge underframes were completed in the year 1928.

(h) Yes

(i) Tenders were called for recently and the lowest tender was Rs. 745 above the estimated cost of an underframe manufactured at the Works.

(j) Yes.

CONFIRMATION OF TEMPORARY CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1311. ***Mr. S. C. Mitra:** Is it a fact that the clerical staff of the Government of India Press, Delhi, was reorganised in 1927, and that there are still certain clerks on a temporary basis with more than 12 years' continuous service to their credit who have not been confirmed? If so, will Government be pleased to state their names and the reasons why they have not yet been confirmed since the last reorganisation?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir. Government understand that there is only one clerk in the Government of India Press, Delhi, who has not yet been confirmed. He was lately sent before the medical authorities who reported that he needed treatment for pyorrhea before he could be considered for permanent employment.

INCREASE OF WORK IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1312 ***Mr. S. C. Mitra:** Is it a fact that, since the reorganisation of 1927, work which used to be done by the Provincial Presses, has been allotted to the Delhi Press? If so, is it a fact that it has consequently increased the work of the clerical staff?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to reply to questions Nos 1312, 1313, 1314, 1315, 1316 and 1318 together. Inquiries are being made and the result will be communicated to the Honourable Member in due course.

INCREASE OF WORK OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1313. ***Mr. S. C. Mitra:** (a) Is it a fact that, in 1928, Government issued orders to make all employees permanent who, after the revision of 1927, were shown as provisionally permanent, and to maintain service and character rolls, leave accounts and personal files, etc., for each employee in the Press?

(b) If the reply to part (a) be in the affirmative, has that increased the work of the clerical staff of the Delhi Government Press?

LATE HOURS OF WORK IN THE GOVERNMENT OF INDIA PRESS, DELHI.

†1314 ***Mr. S. C. Mitra:** (a) Is it a fact that the clerks of the Delhi Government Press have to stay daily very late in office after the office hours and on certain occasions have to carry work to their houses to finish the work in time?

(b) Are Government aware that the lorries run by the Central Printing Office do not run according to time-tables prepared, and the last van reaches the Press daily at about 5-30 p.m. with large numbers of requisitions for urgent and immediate work?

(c) Are any clerks detained after usual office hours to clear the work received by the last lorry? If the answer be in the affirmative, what compensation is paid for putting in extra hours of work, and if not, why not?

(d) Do Government propose to make the post of press receiver eligible for overtime for saving other clerks from hardship?

INCREASE OF CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1315 ***Mr. S. C. Mitra:** (a) Is it a fact that, owing to rush of work, leave to the clerical staff is generally refused and has been restricted?

(b) Is it a fact that, six months ago, the Manager forwarded a proposal recommending strongly the increase of clerical staff? If so, what action has been taken thereon, and if no action has been taken yet, when is it likely to be sanctioned?

GRANT OF LOCAL HOLIDAYS TO THE STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1316 ***Mr. S. C. Mitra:** (a) Is it a fact that the clerical staff petitioned the Controller for reduction of office hours and grant of local holidays?

(b) Why was it rejected? Are their pay and conditions of service governed by local conditions?

(c) Are the employees in the Calcutta and Aligarh Presses allowed local holidays?

(d) Why is the Delhi staff deprived of this concession?

† For answer to this question, see answer to question No 1312

(c) Do Government propose to grant local holidays, at least in the slack season? If not, why not?

GRANT OF CYCLE ADVANCES TO CERTAIN CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI

1317. ***Mr. S. C. Mitra:** (a) Is it a fact that certain clerks in the Government Press, Delhi, prayed for cycle advances?

(b) Why was it rejected in spite of their applications being strongly recommended by the Manager?

(c) Did the Controller grant cycle advances to the staff of the Central Printing Office, and if so, why is this differential treatment?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) As the clerks concerned were living at a distance of only one mile from the Press, the Controller did not consider that the grant of a cycle advance was justified. He is, however, reconsidering the matter in the light of certain recent orders regarding the grant of such advances.

(c) Yes, because he considered that they had a stronger claim for this concession.

ALLEGED ILL-TREATMENT OF THE CLERICAL STAFF BY THE MANAGER OF THE GOVERNMENT OF INDIA PRESS, DELHI

†1318 ***Mr. S. C. Mitra:** (a) Is it a fact that the Manager is in the habit of maltreating and abusing the clerical staff of the Press?

(b) Does he remain in office till the last clerk leaves office? If not, when does he generally leave office?

(c) Is any record kept as to when those clerks, who are compelled to stay late, leave office? If not, do Government propose to keep such a record to see who are the men who are to sit late in office on duty?

DATE OF COMPETITIVE EXAMINATION FOR THE SUBORDINATE RAILWAY ACCOUNTS SERVICE

1319 ***Mr. Siddheswar Prasad Sinha:** (a) With reference to Dr Moonje's questions of the 30th January, 1929, will Government be pleased to state whether the competitive examinations for recruitment to the Subordinate Railway Accounts Service will, as usual, be held in May next?

(b) If the reply to the above be in the negative, will Government state the reasons for it?

Mr. P. R. Rau: I presume the Honourable Member refers to the competitive examination held by the Accountant General, Railways, for the recruitment of probationary accountants for the Railway Audit Department, which is under the Auditor General. I am informed by the Accountant General that no examination will be held in May as there are no vacancies among probationary accountants.

† For answer to this question, see answer to question No 1312

FILLING OF APPOINTMENTS IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

1320. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that a competitive examination for the Office of the Controller of Railway Accounts has been held, although 44 graduates who passed the last Subordinate Railway Accounts Service Competitive Examination (Part I) are still unprovided for? If so, what is the reason for holding the examination?

(b) Is it a fact that, by the aforesaid examination, Government want to afford facilities to those Anglo-Indians who could not compete successfully at the last competitive examination with the graduates of Indian Universities?

(c) Do Government intend to consider the advisability of providing the aforesaid 44 graduates in preference to new men?

Mr. P. R. Rau: (a) An examination will be held by the Controller of Railway Accounts for the recruitment of clerks to the accounts offices under the control of the Financial Commissioner of Railways, in April next, under rules approved by the Standing Finance Committee for Railways. The syllabus for this examination differs from the syllabus for the competitive examination referred to by the Honourable Member. I should add also that candidates who passed the latter examination, which was held in May last, but did not pass high enough to get the guaranteed appointments, have no claims to any appointments under Government.

(b) No

(c) No. It was open to any of them who was eligible under the rules, to apply for admission to the examination to be held by the Controller of Railway Accounts in April.

NUMBERS OF BACHELORS OF COMMERCE RECRUITED BY THE IMPERIAL BANK OF INDIA AND BY CO-OPERATIVE CREDIT SOCIETIES.

1321. ***Mr. Siddheswar Prasad Sinha:** Will Government state the number of Bachelors of Commerce so far recruited by the Imperial Bank of India and the Co-operative Credit Societies?

The Honourable Sir George Schuster: The Government of India do not possess the information asked for by the Honourable Member.

Munshi Iswar Saran: Will Government get the information?

The Honourable Sir George Schuster: No, Sir; they will not get the information. The Imperial Bank is a private institution and co-operative credit societies are a transferred subject under provincial administrations. The Government do not think it worth while to circularise them for the sake of getting this information.

Mr. B. Das: Is the Honourable Member aware that there was an understanding with the Imperial Bank to take, every year, a certain number of probationers and that Bachelor of Commerce is the only degree in India which entitles Indians to get into the service of the Imperial Bank?

The Honourable Sir George Schuster: Sir, I am not aware of the facts stated by my Honourable friend.

Mr. B. Das: Will the Honourable Member kindly inquire into the files in his Department?

The Honourable Sir George Schuster: I will make inquiries

REFUSAL OF ADMISSION OF INDIAN BACHELORS OF COMMERCE TO THE
INDIAN INSTITUTE OF BANKERS, BOMBAY.

1922 ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that, in the Indian Institute of Bankers recently opened at Bombay, several Bachelors of Commerce of Indian Universities were refused admission?

(b) If so, was it due to racial discrimination? If not, what was it due to?

(c) Do Government propose to remedy this state of affairs?

The Honourable Sir George Schuster: Government do not possess the information which the Honourable Member requires. The Institution is a private one, with which Government have no connection, and if the Honourable Member wishes to pursue his inquiry, I think his only course will be to write direct to the Secretary of the Institute

APPOINTMENT OF BACHELORS OF COMMERCE AS INCOME-TAX OFFICERS.

1923. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state if Bachelors of Commerce, with specialised academic training in income-tax law and accounts, are recruited to the post of income-tax officer? If not, why not?

(b) Are Government aware that the Income-tax Commissioner of the United Provinces did not take a single Bachelor of Commerce for the post of income-tax officer?

(c) Is it a fact that Bachelors of Arts and Bachelors of Science of the first division are given preference to Bachelors of Commerce of the first division?

(d) Do Government propose to give preference to Bachelors of Commerce over Bachelors of Arts and Bachelors of Science in the matter of appointment to the post of Income-tax officers?

The Honourable Sir George Schuster: (a) Bachelors of Commerce have been recruited for the post of income-tax officer in several provinces.

(b) Yes

(c) No.

(d) The possession of the degree of Bachelor of Commerce is taken into consideration in the selection of candidates, but the Government are not prepared to direct that reference be given to persons holding this degree. Candidates with the best all round qualifications will be selected, the object being to get a highly educated man who has proved his worth during the whole of his educational career.

Mr. Siddheswar Prasad Sinha: Are not B. Com's as competent as B.A.'s for selection in services of this kind?

Mr. President: That is a matter of opinion.

**NUMBER OF BACHELORS OF COMMERCE EMPLOYED IN THE LOWER DIVISION
OF THE GOVERNMENT OF INDIA SECRETARIAT.**

1324. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the exact number of Bachelors of Commerce employed in the lower division in the Government of India Secretariat and attached offices?

(b) Are Government aware that certain Bachelors of Commerce in the offices of the Quartermaster-General and the Director General of Contracts were superseded by their matriculate confrères? If so, why?

The Honourable Mr. J. Crerar: (a) The information is being collected and will be supplied to the Honourable Member in due course.

(b) I am informed that no Bachelor of Commerce is employed in the Quarter Master General's Branch. One is employed in the Master General of Supplies Branch, but he has not been superseded.

Mr. Siddheswar Prasad Sinha: Were Bachelors of Commerce applicants for the former post?

The Honourable Mr. J. Crerar: I have no information on that point

**QUALIFICATIONS REQUIRED FOR INDEXERS FOR EMPLOYMENT IN THE OFFICE
OF THE DIRECTOR OF PUBLIC INFORMATION.**

1325. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the qualifications required for Indexers for employment in the Office of the Director of Public Information?

(b) Are Bachelors of Commerce given preference in matters of appointment?

The Honourable Mr. J. Crerar: (a) The initial qualifications do not differ from those required for appointment to other clerical posts, but special training is necessary after appointment

(b) No preference is given to Bachelors of Commerce. Selection is made from names recommended by the Public Service Commission

**NUMBER OF "A", "B", AND "C" TYPE QUARTERS CONSTRUCTED AT
PHAGLI IN SIMLA.**

1326. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state how many "A", "B" and "C" type quarters have been constructed at Phagli in Simla?

(b) How many applications for allotment of these quarters were received for the years 1927-28, 1928-29 and 1929-30, and how many have been allotted?

The Honourable Sir Bhupendra Nath Mitra: (a):

18, A

60, B

117, C (These include 30 at Tutikandi).

(b)

	1927-28	1928-29	1929-30.
A	74	90	108
B	183	269	300
C	214	368	428

A 74 90 108

B 183 269 300

C 214 368 428

In each year all quarters were allotted.

SHORTAGE OF CERTAIN GOVERNMENT QUARTERS IN SIMLA.

1327. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state how many tenants of "B" and "C" type quarters have been refused accommodation on account of shortage of higher class quarters?

(b) Have Government received any representation on the subject? If so, what action has been taken by them? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) "B" men promoted to "A", who unsuccessfully applied for "A" quarters—6.

"C" men promoted to "B", who unsuccessfully applied for "B" quarters—8

(b) Yes, the matter is under consideration.

ECONOMY EFFECTED BY REDUCTION OF HOLIDAYS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

1328. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state what economy did the Inchcape Committee contemplate and what has been actually effected on account of reduction of the holidays in the Government of India Departments?

(b) Are Government aware of the prevailing discontent and dissatisfaction in the subordinate ranks by reason of the curtailment of the religious holidays?

(c) Has any representation been received by Government on the subject? If so, with what result?

The Honourable Mr. J. Crerar: (a) The Indian Retrenchment Committee did not attempt to indicate what pecuniary economy would result from the reduction of holidays, and no such estimate is, in fact, possible.

(b) The Government of India do not consider that the revision of the arrangements for holidays, which was effected in 1923, has resulted in any real hardship.

(c) Yes. No decision has yet been arrived at in the matter.

Mr. Siddheswar Prasad Sinha: Is it a fact, Sir, that the holidays were curtailed in pursuance of the recommendations of the Inchcape Committee?

The Honourable Mr. J. Crerar: The whole matter was reconsidered and the scale of holidays was revised, but I might say that, while the former number of holidays prescribed was certainly reduced, the reduced number became more effective in the way of real holidays.

Diwan Ohaman Lall: May I ask the Honourable Member whether, as a matter of fact, any economy has been effected as a result of the reduction in the number of holidays?

The Honourable Mr. J. Crerar: I think that economy has been effected, but I do not think that it is arithmetically estimable.

Diwan Ohaman Lall: May I ask whether any financial economy has been effected, or if any economy in work has been effected?

The Honourable Mr. J. Crerar: I think that economy has undoubtedly been effected, but I say in a form which cannot be precisely estimated.

Diwan Chaman Lall: Will the Honourable Member say if the same amount of work is being done as before?

The Honourable Mr. J. Orerar: I think a considerably larger amount of work is being done now

Diwan Chaman Lall: May I ask the Honourable Member if it is not a fact that the holidays have been reduced from 40 to 16?

The Honourable Mr. J. Orerar: I must ask for notice of that question.

Diwan Chaman Lall: What is the practice in the Secretariats of the Local Governments?

The Honourable Mr. J. Orerar: I have no information with regard to the practice obtaining in the Secretariats of the Local Governments.

Diwan Chaman Lall: Will the Honourable Member obtain the information?

The Honourable Mr. J. Orerar: I do not think I shall be able to undertake so extensive an inquiry.

Diwan Chaman Lall: Is the Honourable Member aware that a great deal of discontent prevails amongst the staff, and is he prepared to ask the opinion of the Secretariat Association in regard to this matter?

The Honourable Mr. J. Orerar: I am not aware that any general discontent prevails in this matter. As I have already explained, certain representations have been recently received and they are now under consideration.

Colonel J. D. Crawford: May I ask the Honourable Member at what time the Government offices start work in the morning?

The Honourable Mr. J. Orerar: That varies to a certain extent in different departments

Mr. Siddheswar Prasad Sinha: Will the Honourable Member state why only 16 holidays are allowed as against 40 holidays which are granted in Delhi and the Punjab?

The Honourable Mr. J. Orerar: Will the Honourable Member kindly repeat his question a little louder?

Mr. Siddheswar Prasad Sinha: Is it a fact that the Local Governments of Delhi and the Punjab grant 40 holidays as against 16 holidays granted by the Government of India?

The Honourable Mr. J. Orerar: I have no information on that point

Mr. Siddheswar Prasad Sinha: Will the Honourable Member kindly inquire?

The Honourable Mr. J. Orerar: I have already answered that question in my reply to Diwan Chaman Lall

Mr. Siddheswar Prasad Sinha: Does the Honourable Member say that there is no feeling of discontent amongst the members of the Secretariat establishment when he says that they have made representations?

The Honourable Mr. J. Orerar: My reply was that Government were not aware of any very strong feeling in the matter, but certain representations have been received and are now under consideration.

GRANT OF EXTRA REMUNERATION TO CLERKS AND ASSISTANTS IN GOVERNMENT OF INDIA OFFICE FOR WORK ON HOLIDAYS, ETC.

1329. *Mr. Siddheswar Prasad Sinha: Is it a fact that clerks and assistants have to work overtime and on holidays also? If so, are they given any remuneration for the same? If not, will Government give a sympathetic consideration to their case?

The Honourable Mr. J. Crerar: Members of the office staff have occasionally to work extra hours and on holidays if, owing to the exigencies of the public service, they are required to do so. As they are whole-time Government servants, no remuneration is paid to them for such casual extra time work.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

1330. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state if they have finally considered the reports and the various recommendations of the Royal Commission on Agriculture in India?

(b) If the answer to part (a) be in the affirmative, have they accepted the recommendations, either in full or in part, and if in part, which of the recommendations have been rejected and why, and under whose advice? What are the authorities of the person so advising?

(c) What steps have hitherto been actually taken to give effect to the recommendations so accepted?

(d) If the answer to part (c) be in the negative, will they definitely state the date when they propose to do so?

(e) If the answer to part (a) be in the negative, do they propose to do so and, if so, when?

(f) Inasmuch as agriculture is a provincial subject, is it the Government of India or the Local Governments who will take the initiative in considering and giving effect to the recommendations and how?

Mr. G. S. Bajpai: (a)—(f) I would invite the attention of the Honourable Member to the reply given by me to Mr. Vidya Sagar Pandya's question No. 424 on the 6th February last.

METHODS OF SUPERVISION, DIRECTION AND CONTROL OF LOCAL GOVERNMENTS BY THE GOVERNMENT OF INDIA.

1331. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state whether they have ever exercised the powers given to them under section 45 of the Government of India Act with regard to the Government of any province for the past three years, and if so, when and with regard to which province?

(b) What are the actual methods by which the several Provincial Governments are superintended, directed and controlled?

The Honourable Mr. J. Crerar: (a) The powers in question are being exercised continuously and in all provinces.

(b) It is not possible to formulate concisely and within the limits of a reply to a question, the manner in which the Governor General in Council exercises the powers of superintendence, direction and control under sections 33 and 45 of the Government of India Act.

ISSUE OF GUN LICENCES ON A MORE LIBERAL SCALE.

1332. ***Mr. Ram Narayan Singh:** (a) Has the attention of Government been drawn to the recommendation, No 80, on page 127 of the Report of the Royal Commission on Agriculture in India with regard to the granting of gun licences on a more liberal scale?

(b) Do Government propose to issue instructions to the various Provincial Governments in general and to the Government of Bihar and Orissa in particular on this point, and direct them to issue similar instructions to the officials authorised to issue gun licences?

The Honourable Mr. J. Orerar: (a) Yes.

(b) Licences for the possession of arms and ammunition for the destruction of wild animals doing injury to crops or cattle are issued free of all fee, and the Government of India have already issued instructions for the issue of such licences on a liberal scale. They do not consider that further instructions on the subject are necessary.

CONSIDERATIONS KEPT IN VIEW IN NOMINATING NON-OFFICIAL MEMBERS TO THE CENTRAL LEGISLATURE.

1333. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state the various considerations kept in view while nominating a non-official Member to the Central Legislature and also the qualifications he is supposed to possess for this honour?

(b) Are any terms of agreement arrived at between Government and non-official Members before they are nominated to the Legislative Assembly or the Council of State? If so, what are the terms?

(c) Is it not a fact that non-official nominated Members have to obey the Government whip in matters of voting?

(d) Will Government be pleased to lay on the table of the House a statement showing the names of non-official nominated Members and the occasions when they voted against Government during the past three years?

The Honourable Mr. J. Orerar: (a) Non-official Members are nominated primarily to adjust inequalities of representation.

(b) No agreement is arrived at

(c) No

(d) The information is available from the Division Lists which are printed in the official reports in the proceedings of the Assembly.

UNSTARRED QUESTIONS AND ANSWERS.

DISCUSSION OF SUBJECTS AFFECTING INDIAN TRADE AND COMMERCE AT CERTAIN COMMITTEES.

426. **Mr. Jamnadas M. Mehta:** How many questions concerning and affecting Indian trade and commerce, for example, tariffs, exports, duties and minimum wages, were discussed at the Economic Inquiry Committee, 1928, Diplomatic and Economic Consultative Committee of 1927, and in the session of the League up to June or July 1928?

The Honourable Sir George Rainy: I would refer the Honourable Member to the Monthly Summaries of the League of Nations, copies of which are in the Library.

INDEX OF INDIAN TARIFF LEVEL FIXED BY THE LEAGUE OF NATIONS
ECONOMIC COMMITTEE.

427. Mr. Jamnadas M. Mehta: On what method of calculation have the League of Nations Economic Committee fixed 16 per cent. as the index of the Indian tariff level, in comparison with the tariff level of other countries? What is the percentage of customs revenue to the gross revenue of India, and what is the percentage of customs revenue per unit of Indian population?

The Honourable Sir George Rainy: The methods of calculation are explained in the publication entitled *Tariff Level Indices* issued by the Economic and Financial Section of the League of Nations in 1927 (Document No. C. E. I -37). A copy of the publication is available in my office for inspection.

With regard to the last part of the question, the attention of the Honourable Member is invited to Account No. 13 in the Finance and Revenue Accounts of the Government of India for 1927-28 copies of which are available in the Library.

PERCENTAGE OF INCREASE OF POPULATION AND PRODUCTION OF NEW
MATERIALS IN INDIA

428. Mr. Jamnadas M. Mehta: According to the recent report of the Economic Section of the League of Nations on production and trade, what was the percentage of increase in the population and production of new materials of India for 1926; and what percentage of produce was retained by India for food or manufacture into finished products?

The Honourable Sir George Rainy: The Honourable Member is presumably referring to the Memorandum on Production and Trade issued by the Economic and Financial Section of the League of Nations.

The latest issue of this Memorandum in the possession of Government does not contain the information desired by the Honourable Member.

APPLICATION TO THE LEAGUE OF NATIONS FOR REDRESS OF JAPANESE
PROHIBITION AGAINST THE IMPORT OF INDIA AND BURMA RICE.

429. Mr. Jamnadas M. Mehta: Did Government seek redress through the League of Nations of Japanese prohibition against rice import into Japan on the ground that it was mainly a discriminatory restraint against India-Burma rice?

The Honourable Sir George Rainy: No, Sir.

COUNTRIES GRANTED CUSTOMS FACILITIES EXEMPTIONS FROM IMPORT
DUTY AND PRIVILEGES.

430. Mr. Jamnadas M. Mehta: (a) How many, and which, countries have been added to the customs facilities exemptions from import duty and privileges?

(b) What are the benefits conferred by the facilities and exemptions accorded under the privileges?

(c) Which countries during the year have been added to the list of such privileges?

The Honourable Sir George Schuster: If, as appears likely, the Honourable Member's question refers to the International Convention relating to the Simplification of Customs Formalities, the answer is:

(a) The countries that have so far ratified the Convention are:

Australia,
Austria,
Belgium,
British Empire (other than Dominions which are separate members of the League of Nations),
Bulgaria,
China,
Czechoslovakia,
Finland,
Great Britain and Northern Ireland,
Greece,
Holland,
Hungary,
India,
Italy,
Luxemburg,
Morocco (French Protectorate),
New Zealand,
Norway,
Persia,
Denmark,
Egypt,
France,
Germany,
Roumania,
Siam,
South Africa,
Sweden,
Switzerland,
Tunis (French Regency).

(b) Apart from the general benefit to trade, resulting from the operation of the Convention, the only specific exemption enjoyed under the Convention is that conferred by Article 10, which provides for the temporary admission of commercial samples free of duty to the territory of each of the Contracting States, subject to the amount of the import duties being deposited, or security being given for payment, if necessary. A copy of the International Convention relating to the Simplification of Customs Formalities will be placed in the Library.

(c) The country of Finland.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House). With your permission, Sir, I should like to make a statement of the probable course of Government business during the week beginning the 1st of April. I have nothing to add to the list of pending business which is already before the House on the agenda paper for this week. Having regard to the state of Government business, I suggest to you, Sir, that you should direct that the House should sit on Tuesday the 2nd, Wednesday the 3rd, Thursday, the 4th, Friday the 5th and Saturday the 6th April.

THE INDIAN FINANCE BILL—*concl'd.*

Mr. President: We now take up further consideration of the Finance Bill, but before we do so I should like to give the ruling which I promised yesterday.

I have carefully considered the point of order raised yesterday by the Honourable the Deputy Leader of the Congress Party. It has been contended by the Leader of the House that Government adopted a similar procedure without any hitch in connection with the Bengal Criminal Law (Amendment) Bill in 1925 during my predecessor's time. I have seen the proceedings of this House in that connection, and I find that the point now raised was not then raised and determined. In fact, there has been no ruling from the Chair on the point on any previous occasion, and I have to give my decision without any precedent to guide me.

The Honourable Member from Madras contends that the words "any amendment has been made in a form inconsistent with the form recommended" contemplate or convey the idea that the recommendation must precede the amendment. I have very little doubt that the words by themselves are susceptible to that interpretation, and unless one reads the other parts of the sub-rule side by side with the words in question, he is likely to fall into the error of accepting the ingenuous argument of Mr. Iyengar. If I were to uphold the contention of the Honourable Member, it would mean that the Governor General must in every case make his recommendation in anticipation of the Assembly making certain amendments in a Bill, and he has no power to recommend the Bill after a particular amendment is made; that is to say, such recommendation must invariably be made before the Bill is taken up for consideration clause by clause. Now, if we read the first part of the sub-rule, it is quite clear that the Governor General has got power to make recommendation at any time during the passage of a Bill, that being so, the contention of the Honourable Member that the recommendation must precede the amendment is not tenable. Indeed, it seems to me that the whole object underlying the sub-rule is to empower the Governor General to make recommendation whenever, in his opinion the Assembly has gone wrong in any matter during the progress of the Bill and he considers his intervention essential.

There is again, in my opinion, considerable force in the view urged by the Honourable the Finance Member that the words in the sub-rule "the Governor General makes recommendation" and "any recommendation

[Mr. President.]

has been made" militate against the interpretation that the recommendation must precede the amendment. But the argument that is really conclusive and fatal to the contention of the Honourable Member is the one which I suggested yesterday when the Honourable Member was speaking to his point of order. I then pointed out that the latter part of the sub-rule, which empowered the Member in charge to move any amendment, which, if accepted, would bring the Bill into the form recommended, would be meaningless if the recommendation is to precede the amendment. According to the interpretation of the Honourable Member, the Governor General makes recommendation and the Assembly, in spite of the recommendation, deliberately makes some alteration in the Bill, which is inconsistent with the form recommended, and then again the Member in charge is entitled to move an amendment so as to bring the Bill into the form recommended. I cannot understand either the necessity or the propriety of a provision that the Member in charge could ask the Assembly, which has made some alteration in the Bill in spite of, and inconsistent with, the recommendation, to again consider the same question. Such a procedure seems to me to be meaningless. In fact, according to sub-rule 5, when the Assembly makes any alteration in a Bill, which is inconsistent with the form recommended, the matter ends and the President certifies that the Assembly has refused to pass the Bill in the form recommended. I am, therefore, of opinion that sub-rule 3 applies to cases where some amendment has been carried by the Assembly and the Governor General thereupon makes recommendation. In such cases it is understandable that the rule should provide that the Member in charge may move an amendment to bring the Bill into the form recommended. I therefore hold that the amendment which the Honourable the Finance Member proposes to move is in order.

The Honourable Sir George Schuster (Finance Member): I beg to move.

"In clause 2, for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The object of my amendment is to bring the Bill into accord with the recommendation which you, Sir, read yesterday in this House. On the merits of the motion I propose only to say a few words. In the first place, it is necessary in view of the financial position of the Government. The loss involved in accepting a reduction of four annas in the salt tax would amount, in the forthcoming year, to at least Rs. 65 lakhs, and it would involve a permanent recurring loss in future years of about one crore and forty lakhs. It would also involve considerable inconvenience and loss to traders in the country if an amendment of this kind were accepted at the last moment. As an illustration of that, I have just received, before I came into this House, a telegram addressed to Sir Purshotamdas Thakurdas and to myself from the salt shippers of Malabar by country craft:

"Very anxious Assembly reducing duty would involve enormous loss. If Council of State restores duty please use your best endeavours to get the Assembly to agree to restoration. Also by certification power. If not finally restored Government should make refund to shippers who shipped on strength of budget declarations".

That, Sir, would be a claim which possibly Government might have to consider. Apart from the losses, I wish to say this, because I wish to

make the attitude of Government on this matter perfectly clear. Government is in entire sympathy with the arguments advanced on the other side in so far as they express a desire to benefit the poorer classes of this country. But, Sir, our opinion is that a reduction of four annas per maund would not actually benefit the poorer classes because it would effect so small a reduction in the price—only just over one pie per seer—that it would not go to the benefit of the small retail consumer.

Mr. Siddheswar Prasad Sinha (Gaya *cum* Monghyr Non-Muhamadan). Then why not bring an amendment for bigger reduction?

The Honourable Sir George Schuster: I have much more sympathy with the line of argument, which I mentioned in my speech in the debate—the line of argument that the revenue derived from the salt tax should be applied to specific measures for the benefit of the poorer classes. That is a line which the Government might well follow up if the financial position permitted it. I am quite prepared to say that we will give that our earnest consideration. Then again there is another point in connection with the policy which has been urged upon us by this alteration in the salt tax. Before it would be worth while for Government to consider reductions in the salt tax, it would, in my opinion, be necessary for Government to take to themselves much greater powers for the control of retail prices than they possess now. That, again, is a line of inquiry which I am prepared to say to this House we will follow up. There is a third point, which I take from the arguments which have been advanced on the other side in course of debate, that the consumption of salt per head of the population is less than it should be if a proper standard of health is to be maintained. That point hangs together with the policy which has also been advocated that steps should be taken to make this country more self-supporting in the production of salt. That, again, is a line of policy which I am perfectly prepared to say now that the Government will follow up and will inquire into during the coming year. Lastly, Sir, I would say this. If the amendment which was passed were to go through, and the Government were to be subjected to this loss of revenue, it would be immediately necessary to make substantial cuts in the proposals for expenditure which have been put before the House, and the only way in which those cuts could be made would be by reducing certain new items, including a large number of items of beneficial expenditure. It is too late to make alterations in other directions. It might have been open to the Government to accept that line and to take that course of conduct. But, Sir, Government did not think that action of that kind would have been in the interests of India.

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadan Urban): I am very sorry to say that this pernicious practice of bringing in matters which, however technically right, had been rejected by the Assembly, is becoming quite common, and I must enter an emphatic protest against the procedure which has been adopted. The Honourable the Finance Member took some pains to explain why it is that the salt duty is again sought to be put back to Rs. 1-4-0. Sir, section 67B of the Government of India Act, under which alone this can be proceeded with, says:

"The Governor General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof."

[Mr. S. Srinivasa Iyengar.]

The recommendation is only in cases in which the Governor General will be at liberty to certify, on failure of the recommendation being given effect to, by the Assembly. I submit this is not necessary for the safety of British India 65 lakhs is estimated as the deficit which will result from the acceptance by the Government of the amendment which was carried by the Assembly. It may be twice as much for the succeeding years. We are not, however, concerned with the subsequent years, and even if the deficit in the subsequent years is taken, it is not more than a crore of rupees or a crore and a half. Therefore it appears to me that, so far as the revenue side or the expenditure side is concerned, this is not an unreasonable amount which should be claimed to be within the power of the purse if it is really vested in the Assembly. This reduction of 65 lakhs is really an insignificant and inconspicuous reduction, having regard to the taxes which are raised in this country. If that is not agreed to by the Government, I do not know what the power of taxation, which is vested in the Assembly, is.

On the expenditure side, we have seen that, when grants are withheld or reduced, they are at once restored. On the taxation side, we find that the Legislature is equally deprived of any power of legislation because the moment it is reduced, even by a relatively small amount, the Governor General at once proceeds, by this extraordinary power, to recommend and certify. I submit, the words "safety, tranquillity or interests of British India" do not justify the use of this arbitrary power. I am not really canvassing the judgment of the Governor General, but it is perfectly open to the Members of this Assembly to consider whether this restoration of the salt tax is necessary for the safety of British India or for its tranquillity. It is impossible to understand how it could be necessary for the safety of British India, if 65 lakhs are withheld. I cannot at all understand how India will become unsafe. Will there be serious disturbances and disorders, notwithstanding the bracketed telegram which was conveniently read on the other side? What are the interests of British India which will be affected? You will see that section 67A (7), under which the restoration of amounts which have been refused on the side of expenditure, is allowed to the Governor General in Council, is differently worded, and the contrast in the language is very striking. There the wording is this:

"The demands as voted by the Legislative Assembly shall be submitted to the Governor General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to."

That is a much wider phraseology, and therefore it may be open to him to say, that, in order to discharge his responsibility, he should restore any amount which has been refused, but the language of section 67B follows the language of sub-section (8) of section 67A which says:

"Notwithstanding anything in this section, the Governor General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

The words "safety and tranquillity" are therefore well known words. They refer to grave emergency, such as war unforeseen troubles and new commitments, which have got to be entered into, for which no previous

provision was possible. These are the things to which that section can refer. I am now dealing with the merits of the case. It is perfectly open to the Governor General to say that it is necessary for the safety of India to recommend, and it is also perfectly easy for him to certify That is the arbitrary procedure which is put down in the Act. I am now explaining why the Assembly should not go back on its previous decision, but should adhere to its decision, because it is a violation of the letter and the spirit of this exceptional provision, and a very strong and clear case has to be made out for this recommendation. What does the opposite side say? We have heard it half a dozen times from the Finance Member. He says "Oh, we will return it to the people in those wonderful beneficial ways of which we are the sole judges." This is a new kind of argument and whatever Sir Purshotandas Thakurdas may say, I really cannot trust the destinies of India to the Finance Member. I do submit that the question whether a particular purpose is beneficial or not is for the Assembly to decide. If the Finance Member has any proposal ear-marking such and such funds for the purpose of the material advancement of the people, and if he comes forward with the proposal, by all means let that proposal be canvassed in the Assembly, as other proposals are canvassed, and if the Assembly agrees to it, by all means let the funds be ear-marked for that purpose. But merely to say, "You give us this money and you can trust us to use it in a beneficial way", is a very large order to make. I think the Honourable the Finance Member is apparently thinking that we are functioning as in the old days. He spoke of our assistance, advice co-operation and other things. We are an opposition here. We are not here for the purpose of advising the Finance Member. We are not here for the purpose of acting as counsellors. We are here merely for the purpose of opposing, criticising and pointing out where the Government is wrong. If the Cabinet were a removable Cabinet, then the opposition might have at least some chance of making constructive proposals. We do not propose to make constructive proposals when there is no chance of removing this irremovable Cabinet, and taking the place of that Cabinet. Why should we unnecessarily embarrass ourselves by making constructive proposals when we know that our proposals are going to be rejected? Therefore the Government, I submit, is an impossible Government.

The proposal which is made by the Finance Member at such an early stage of his introduction into his office is really a novel proposal to make. He cannot ask us to come here and simply register his decrees and to vote whatever sums he wants. We must give our own views as to what is right and proper. I submit, Sir, the vote of the other day was not a narrow vote. I think, if I remember aright, it was a majority of 12. It was not a majority of one or two, and, therefore, on the merits of this matter, it was not open to the other side to flout the considered decision of the Assembly. You would have noticed, Sir, that in the salt debate, many Members of the Assembly had remained neutral, thinking that the Government should not be unduly embarrassed, although we of the Congress Party took a stronger view. But they came to the conclusion that, in the matter of reducing the duty by four annas, they should certainly defeat this Government. Even those who did not agree with some of us, who took a more extreme line, came to the conclusion that the people of India stood in need of this reduction of salt duty by at least four annas, and when a decision was come to on that point by a strong and influential section of the House, for

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the Governor General to give the go by to that decision in this summary and defiant fashion is to me very significant on the eve of new reforms. I submit that the House, consistently with its self-respect, cannot but do its duty by refusing to accept the amendment that has been put forward. It may be said, "If you don't agree to this amendment, the Governor General will certify it". Certainly let him do it. We shall express our view. We should certainly do our duty. The mere fact that the Governor General will certify and make his point of view operative is no reason why we should not make our point of view prevail as far as we can make it prevail, constitutionally according to the scheme provided in this Act. The Act gives us

12 Noon. the power to accept this recommendation or not, and what is the new reason which has been advanced now? All these reasons were stated by the Honourable the Finance Member on a previous occasion. Nothing new whatever has been urged. In these circumstances, I suggest that the self-respect of the Members who voted on the last occasion, the very genuine feeling displayed in opposition to the salt tax, the nature of the tax, its incidence, all these require that we should re-affirm our vote and should not yield to this threat. That is my view.

I will only answer one point which was raised by the Honourable the Finance Member on the last occasion. He said—and it was a very wonderful thing—four annas is not much; it will not be passed on to the poor people. And he displayed a very touching solicitude for the poor people. Of course we know where the shoe pinches. 4 annas is 4 annas, and if the Honourable Member is dissatisfied, I have not the slightest objection to putting in an amendment reducing the duty by 12 annas. I have not the slightest objection to benefiting the poor. I do not understand why this 4 annas should not go to the poor of India.

We are more and more familiar with this distinction that is sought to be made by Government. It is an exhibition of skill which does not persuade us to come down, as it is increasingly clear that Government are determined to have their own way. Sometimes they will placate us by singling out individual Members for praise, though that is a method which only sometimes can be successfully carried out. Appreciation of one Member of the Opposition when it is coupled with criticism of another Member of it is necessarily more agreeable to the former; but this kind of procedure is one to which we are all accustomed. We are quite impervious to all arts of diplomacy and rhetoric, in which the other side has become expert. I think we are also learning from them somewhat. We know, however, fully well where we are, and I therefore say that the simple, straightforward duty on the part of everyone of those Members who have already voted for the reduction of the salt duty is to vote for it now, and if Government really want the naked constitutional question to be raised, they should remain neutral and not vote on this question at all. They have the power of certification. If Members are really given the right to exercise their power, let them exercise it in a formal manner, and let the Governor General certify. We know what it is to certify, and I hope that the new Swaraj will break the old *karma* doctrine and the old fatalist doctrine in this country. I think my friends on the other side still pin their faith to the fatalism of the East. I, however, think we have become thoroughly modern, and we do not believe, whether we lose today or tomorrow, that we are going to be under you all the time. Therefore I would appeal to all those who voted before to vote once more, and I also appeal to the others who refrained from

voting to vote with us on this occasion. It is a very simple yet great constitutional issue. This year it is necessary that we should make our position clear, because I find that under section 67B (2):

"Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent, until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to."

Assuming that it applies to the Finance Bill,—such dilatory procedure as this—I submit it is necessary this year when the British Parliament is engaged with the new constitution for India. It is necessary that it should be brought home to them that there is this very pernicious power contained in this Act. The only way we can bring it home is by compelling the Governor General to certify, by turning down the proposal made by the Finance Member, and compelling the Governor General to lay before the Houses of Parliament this Act of the Governor General unless he exercises the power which is given to him under the proviso which provides for the existence of a state of emergency. For all these reasons, constitutional as well as simple, we have only to take the decision to reject the amendment just proposed

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I very much regret that the Government have thought it advisable to have recourse to this procedure. I am one of those who hold that more and more responsibility should be given to this House, and I do hope that, even if under your ruling, Sir, the Government have the power of having recourse to this procedure, they will never use it. What does this procedure come to? It means that any well-considered vote of this House, whatever time we might have spent on that vote, whatever arguments we might have listened to, whatever responsibility we might have exercised in giving our vote, can be nullified by one single circumstance, namely, that the Governor General thinks it fit to recommend the rejected proposal. The same proposal then comes before this House once more, possibly within a few days, possibly when the voting strength of the Opposition has decreased. I can imagine many conditions in which Government might thus have an advantage in getting the same proposal before this House. I do submit, with all the responsibility I can command, that the effect of such a procedure will be that the little sense of responsibility which we feel on this side of the House—which is very little indeed under existing circumstances—even that little sense of responsibility will disappear.

The Honourable the Law Member will agree with me that the best way of evoking responsibility in tribunals, as well as Chambers like this, is to give more and more finality to their decisions. In the case of the law courts we are accustomed to this principle, that when a decision is once arrived at, right or wrong, it will not be reconsidered, except on some strict and well-defined grounds stated in the procedure code. It is well recognized that that is the only way to bring responsibility in the decisions of such bodies. The procedure, now adopted here, Sir, does exactly the contrary, because, under your ruling, it comes to this, that, however important the vote of this House may be, it can be circumvented if the Governor General is approached and persuaded to take the contrary view. He has not been

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present here, he has not listened to the arguments, and therefore has to act on the advice of his Cabinet Ministers.

He is necessarily therefore acting on the *ex parte* arguments of his advisers. Then the moment he recommends a proposal, this House, in all solemnity, is asked to reconsider its decision on which this House may have spent, in a conceivable case, ten days. Now, I ask, Sir, my Honourable friends opposite whether they think that this is a procedure calculated to develop the sense of responsibility of this House, or to lessen even the small sense of responsibility which we feel at present. The procedure is more objectionable, Sir, when we remember that there are two well known ways recognised by our procedure and constitution by which the Governor General can rectify what he regards as the mistakes of this House. One of them is restoration or certification, and the other is to go to the Upper House where the Government view has a greater chance of being accepted. The advantages of these two methods are these: that in the one case the Governor General acts on his own responsibility and takes the fullest risks of doing so. It has its own compensations. If the Governor General is so badly advised as to differ from the considered view of this House and takes the responsibility of openly doing so, then he does so at his peril. That is the compensation of the arrangement. Alternatively, he goes to the other House, gets that body to agree to an unpopular proposal and comes back to this House backed by that agreement. There is likewise an element of compensation in this procedure. But in the procedure adopted now, I do not see any such elements of compensation, and that is the reason why I describe it as a most extraordinary and objectionable procedure. I am sorry that the colleagues of the Governor General should have advised him to adopt this procedure, because it means, as my Honourable friend Mr. Srinivasa Iyengar put it, that the Governor General treats with levity the considered decisions of this House. We are entitled to see that our decisions, right or wrong, are treated with the respect and consideration due to a responsible body of India's representatives. We do not say we are infallible. We are, after all, representatives of the popular feeling. We are necessarily affected by public sentiment, which is rather our merit than a disqualification; but we do submit, with emphasis to the Governor General, that we are entitled to make this claim that our decisions should be treated with finality and the utmost respect. From this point of view, I do assent that the present procedure is certainly not in the way of progress, except in the direction of the tail. I do hope, Sir, that, even if Government have the power of adopting such a procedure under your ruling, they will never have recourse to it. As for the merits of the amendment, no new arguments have been advanced by the Honourable the Finance Member. I was one of those on the last occasion who refrained from voting in favour of the two previous cuts about the salt tax. My Party applied its mind very carefully to the merits of this question, and we came to the conclusion that we should be party to nothing which had the result of unduly embarrassing the Government. We judged these questions on their merits. You remember, Sir, there were two previous cuts proposed in this House, which my Party did not support. We thought that we should fully exercise our judgment, and decide on each cut on its merits. After giving proper consideration to all the arguments, including those advanced by the Honourable the Finance Member, we came to the conclusion on merits, that we should support the reduction of salt duty from Rs 1-4-0 to Re. 1.

It is not very respectful to tell us now to reconsider our decision. What is the new ground on which we are asked to reconsider it, except the purely adventitious circumstance that the Governor General has been advised that this is a wrong cut and therefore the House should not have adopted it. To me, such an argument appears absolutely irrelevant, and is, of an *ad hominem* character. Surely no self-respectful or reasonable man will allow his decision to be affected merely by the fact that the Governor General is advised by his colleagues that the vote of this House is wrong? What does the argument come to? That the Governor General's view, which he only forms on the advice by his Ministers, is different from that of this body. Paraphrased into plain English it comes to this, that the Governor General is advised to take a contrary view. That, in my opinion, is no argument at all for asking us to reconsider our decision. When we recorded our vote, we gave full consideration to every important circumstance and arrived at our decision. No new arguments have been advanced by the Honourable the Finance Member. In fact, he has no new argument. All that he has urged is the old old ground which has been advanced before this House times out of number. Therefore, I do submit that purely on the ground of self-respect and dignity this is a wrong principle, and I do strongly protest against its adoption by the Government. I ask this House to reject this amendment.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural). Sir, I rise to lodge my strongest and most serious objection to the course which the Government have taken in this particular case. That will also explain the position that I took yesterday in the House in not rising when the message was being delivered to the House. As my Honourable friend, Mr. Jayakar, has put it, that action of the Government was ridiculous and not respectful to us, and therefore I thought that the best answer to that, as a preliminary point and as a preliminary procedure, was not to rise in my place, because I knew very well what the particular envelope which the Honourable the Finance Member was going to hand over to you was going to contain. I knew that the Honourable the Finance Member had captured the Governor General. I knew he had taken hold of the god in the machine, he took into his pocket the god in the machine and delivered the god in the machine bound hand and foot. I knew what was coming. I did not like it. I thought it was not respectful to this House that the Governor General should intervene at that particular stage and, therefore, I deliberately did not rise in my place.

Apart from that, turning to the question in hand, of course there are three points involved in this particular action. First is the constitutional character of the amendment. The second is the merits of the action which the Government have taken in bringing forward that amendment at that stage. The third and the last is the question of the merits of the amendment itself. Of course, the first is now put out of court by your ruling which you have given just now. The second has been criticised severely both by the Honourable Mr. Srinivasa Iyengar and by my Honourable friend Mr. Jayakar. Therefore, I need not dwell on that point at very great length. I am tempted to say this. While the course adopted by the Government is highly disrespectful to this House, it is also unfair to the other House, to the other House of revision or the House of correction, if I may so put it. It is unfair for this reason because we know that time is hanging very heavy on the idle hands of the Members of the other House. It would have been an act of great kindness to give them some little busi-

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ness to do while they are sitting at Delhi. One can only pitifully look at the red books which contain the debates and the proceedings of the other place. They look to me like the skeleton of the famished and famine stricken poor *raiya* of this country. In fact, on the 23rd of this month

Mr. President: Order, order. Will the Honourable Member leave the other House alone?

Mr. N. C. Kelkar: I will accept your decision. My point is, whatever may be the considerations from the point of view of the other House, we were entitled to say that the due and the natural course would have been to send that particular proposal to the other House and then to bring it back here. For, in that course, lay one more chance for us to get an agreement between the two sides of the Legislature on the particular cut that we effected in the salt Bill in this House. Probably it is urged, as my Honourable friend Mr. Jayakar gently hinted, that the other House might have taken the side of the Government and rejected our proposal. But we might at least have had this advantage that the proposal would have been seriously discussed and canvassed in the other House, the pros and cons would have been put before the House publicly, and in that way we might have had some chance of getting the other House to our view point of the case. Therefore my serious complaint is that even that single chance which we might possibly get to win this cut in the other House has been taken away.

Turning to the merits of this present cut, I will say this. I am one of those who did not vote when there was the proposal before the House to cut the salt duty to annas eight; I also did not vote when there was the motion to have it cut down to annas ten. What does that show? I say that that conduct of mine shows that I wanted to discriminate in this matter of the salt duty. I knew very well that the Government would feel handicapped, would feel some embarrassment if at once the salt duty was cut down to annas eight or annas ten, *i.e.*, by about 50 per cent. But here was a cut of only annas four, that is, a fifth of the duty, and I imagined then, when I voted for it, that the Government would not feel it because it was such a small reduction. I therefore deliberately and discriminately voted for the reduction of the salt duty to one rupee. And when I was speaking on that motion the other day about the self-supporting character of the salt industry in India, I deliberately said that I wanted the salt duty to be kept at a reasonably low level; and, as has been suggested by the Honourable the Finance Member, I do wish that that amount which may be realised by way of salt duty from the poor, should be ear-marked for bettering their lot.

Now, Sir, by this simple cut of annas four, we are reducing only Rs. 65 lakhs of revenue for this year. Are not Government familiar with similar fluctuations in their revenue in the past on the receipt side and on the expenditure side? The budget officer himself has said on one of the occasions to which I have referred before, that Government are familiar with and can justify fluctuations either on the side of the revenue or on the side of the expenditure to the tune of $1\frac{1}{2}$ or 2 per cent. That means, if a revenue of Rs. 65 lakhs is cut down against the expectations of the Government, it will certainly not be such a great difficulty for them to get over. Probably the course that has now been adopted by the Government

has been adopted in order to save themselves some inconvenience arising out of the fact that this present Finance Bill is not going to be disposed of by the 31st of March. But, we are not concerned with those inconveniences to the Government. Government have got extraordinary and exceptional powers, and the Governor General has got all the residuary powers in this matter, to deal with the situation if it sometimes does arise. Therefore, in this matter, it was up to the Governor General rather than to bring in an amendment at this stage, to take upon himself the responsibility of extending the period of the old notification fixing the salt duty at Rs. 1-4-0. Our serious complaint is that, when two courses were open to the Government, they have chosen a course which is most disrespectful to us and has deprived us of an opportunity of getting on our side possibly the other House in this matter. My friend, Mr Jayakar, has pointed out that you are seriously cutting at the small element of responsibility which is in this House, by nullifying day in and day out the Resolutions which are deliberately passed by this House. And yet, you fling it at our face that we have no sense of responsibility. May I inquire then how we are to express our responsibility if our Resolutions and decisions are to be nullified and to be set at nought in this reckless fashion? In this connection, I will say—and the Honourable the Finance Member himself must admit—that, on the whole, we in this House have dealt with him very gently and very discriminately, both in regard to the demands for expenditure and in regard to the proposals for Supply and Ways and Means. The total Demand for Grants for expenditure made by him amounted to, he will remember, Rs 134 crores and odd. Of this in the first place, only Rs. 45 crores and odd were votable, and the remaining Rs 88 crores and odd were simply non-votable. The votable amount was therefore only about 33 per cent., while the non-votable amount was about 66 per cent. Out of these 45 crores and odd, the Assembly cut down by its vote in all only Rs. 6,02,200, but the Governor General in Council readily came to the rescue of the Honourable the Finance Member, and in the exercise of his extraordinary powers restored the amount of Rs. 6,01,800. The effective measure of our censure, or of our spitefulness or of our waywardness—whichever way he may like to put it—was thus a paltry sum of Rs. 400.

Turning now to the Finance Bill, the House, it will be seen, could not succeed in cutting down more than some Rs 120 lakhs from the estimated returns of Rs. 6.65 crores under the original proposal in the Finance Bill, that is, by reducing the salt duty by annas four. The amount so reduced represents only nine-tenths of one per cent. of the total amount of expenditure or four per cent of the total revenue supply proposed under this Bill. Is this not considerateness itself, sense of responsibility itself, when we know the intensity of the feelings of the popular parties in this House against the Government, that is to say, its constitution, its methods, its extravagance and its activities? I had therefore hoped that the Finance Member might not make any attempt to get the reduction in this salt duty nullified in the other place. But it was not to be so, and he has gone the other way and has brought in an amendment here in this very House. Must he grudge this House even the small success which it has achieved in expressing its control over the national finances—a success which, I would add, was brought about by most of the parties voting together in concord? Sir, the Honourable the Finance Member spoke the other day in very graceful and appropriate terms, when he said that he felt himself like a stranger present at a family quarrel, when communal

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topics were hotly contested in this House. Now, in this vote on a secular subject, that is, on the question of the reduction of salt duty from Rs. 1-4-0 to Re. 1, he will find the family reunited and voting against him almost like one man. Will he not, therefore, forbear to seek the restoration of the salt duty to its old level, if only in token of his joy at the family concord and re-union, if we may take him to be a well-meaning stranger?

Now, Sir, we on this side of the House often find ourselves in a great dilemma. I really do not know how we are to deal with Government Bills, especially the Finance Bill. If we cut down the salt duty, for example, from Rs. 1-4-0 to annas eight or annas ten, then Government say "You have cut a material slice out of our revenue". That argument we cannot understand and therefore we sometimes hold our hand in making such radical cuts. If we make a cut of only annas four, then Government say "Well, here is a small cut which is really insignificant, but the benefits of it will not reach the poor people". If it is annas eight or annas ten, then it becomes a great cut Government cannot accommodate themselves to it. If it is annas four, the benefit will not reach the poor people. If for instance, we deal with the income-tax and try to redress a wrong, the Government simply say: "Well, this is an amateurish treatment of the Tariff Bill". Therefore, either the Government feel embarrassed by the cut made, or, if the cut is small, they say it does not reach the poor people. If we deal with the Bill in some other way, it is said that we deal with it in a haphazard way or in an amateurish way. Therefore, I do not really understand how the Government want us to deal with their Bills in this House. Is it our duty only to say ditto to what all the Government say? How are we to express properly our sense of responsibility which the Government want us to do? I do want the Honourable the Finance Member to tell us, once for all, how they want us to deal with their Bills, so that they may, at least, then say that we have some sense of responsibility? May I suggest one remedy? As is done in the House of Commons in the British Parliament, why not base your Finance Bill on the Resolutions passed in committee? By that procedure—it is more or less an informal procedure not so formal and rigid as the discussion of the Bill itself—we may arrive between ourselves at certain conclusions; and thus, according to that procedure we may have some scope for enforcing our will upon you or at least try, in an informal manner, to bring you round to our views. If the House goes into committee and Resolutions are passed upon the subject-matter of the Finance Bill, then of course you may frame a Bill and bring the Bill before us. I do offer this as a sort of constructive criticism, because I have already put before you our difficulties from our point of view in dealing with the Finance Bill. I once more say that we cannot go back upon the small cut that we deliberately made in the matter of the salt duty, and I think the whole House will vote against the present amendment.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, I have listened with very great attention to the speeches of Mr. Srinivasa Iyengar and Mr. M. R. Jayakar and I must say, Sir, that I am considerably surprised. I do not understand why any Member of this House, who has voted for the reduction of the salt duty, should rise from his seat and say that he objects to the procedure which His Excellency the Viceroy wishes us to adopt. I for my part, Sir, on the contrary

welcome this opportunity, because this will put to the test whether this House can show real responsibility or not. If the House has responsibility, and as my Honourable friend Mr. Jayakar points out, we have a little sense of responsibility, I do not quite understand how that responsibility can disappear by the mere fact that His Excellency wishes us to reconsider our decision. If this House has got responsibility, well, let them vote against the proposal of the Finance Member. Let them show to the Government that, whatever decision they have taken they will adhere to it. Again, as my friend Mr. Jayakar says, we have taken this decision after very careful consideration and after hearing the pros and cons of the particular question. If no further arguments have been advanced by the Finance Member, why should we object to the procedure? Why should we not deal with the merits of this question and say that we will not be a party to this amendment? I think, Sir, the Swaraj Party is partly to be blamed for this kind of procedure, because, if they had expedited the Bill and not adopted the Parliamentary obstructionist tactics that they did, I do not think the Viceroy would have been compelled to adopt this procedure.

Now I would like to make to this House understand what this procedure amounts to. The procedure simply amounts to this, Sir, that this House is asked to consider again their vote, which they have given on the reduction of salt duty. The House is at perfect liberty to say, "We don't want to go back on the decision which we have arrived at," or the House can say, as my friend, Mr. Jayakar, again said, that we are not infallible. If this House has therefore made any mistake, they should welcome the opportunity to get rid of that mistake by having this procedure adopted in this House, rather than to be corrected by the other House. I therefore do not see any justification at all for objecting to the procedure which is now being adopted by Government, and I therefore think, Sir, that, whilst dealing with the merits of this question, we should welcome the opportunity given to this House of putting to test its sense of responsibility and, having arrived at decisions after mature deliberation, stick to them. Sir, the Swaraj Party have shown by their speeches here much solicitude for Government. Why should they say that Government should adopt this procedure or that procedure? For instance, Mr. Srinivasa Iyengar has suggested that Government should take this Bill to the other House and then bring it back here. Why should we show so much concern for Government at all if we are sincere in what we have done? It is Government's business to look after themselves, and I do think, Sir, that the Swaraj Party would do well to leave Government alone. Our concern, Sir, is to deal with the merits of the Bill or of amendments and things of that sort that are placed before this House.

Mr. S. Srinivasa Iyengar: I said so

Mr. Fazal Ibrahim Rahimtulla: We consider its merits, and after debating we arrive at a certain conclusion. It is for this House to stick to that conclusion, if this House believes that the conclusion arrived at is the right one. I therefore think, Sir, that suggesting to the Governor General to resort to his power of certification is entirely wrong. I on my part, as I said yesterday, do not desire that His Excellency should exercise the power of certification at all. We say that our decision should be final but if an opportunity is given to us to revise our decision we can say that we still stick to that decision and we do not wish it to be revised. But I cannot

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understand, Sir, how anybody could object to the procedure or could blame His Excellency the Viceroy who has given us another opportunity to debate the merits if we choose to do so, otherwise to go into the lobbies straight-away and decide whether we have that sense of responsibility as to stick to our decision or whether we are open for negotiations and are open to be canvassed in any manner. This is a test of our sense of our responsibility. It is a question of the dignity of this House, and I hope, Sir, the House will exercise it in a right manner.

Sir Hugh Cocks (Bombay: European). Sir, if the Members on these Benches have not occupied much of the time of the House during the discussion of this Finance Bill, it has not been from lack of interest, but rather with a view to aiding the progress of the business of the House, but there are one or two points I should like to touch upon this morning. Mr. Srinivasa Iyengar made much of the point that the reduction of 4 annas in the salt duty did not interfere with the tranquillity and the interest of the country

Mr. S. Srinivasa Iyengar: Safety also

Sir Hugh Cocks: Tranquillity, safety and interests of the country. Well he dwelt a considerable time upon the word "tranquillity," but he did not dwell for very long on the word "interests." I think obviously the 4 anna tax and the 65 lakhs of rupees involved in the first year do very materially affect the interests of the country, because, as the Honourable the Finance Member pointed out, you cannot suddenly reduce your administrative expenditure to meet the reduction and you may be driven to reduce your grants for nation-building services, colleges and so on. And I think the last thing Members would desire on these Benches would be for these grants to be reduced, and I think it is the last thing their constituencies would wish also. My Honourable friend, Mr. Jayakar made much of the point that he had not gone into the lobby against the Government on the two larger cuts, but with great responsibility he went into the lobby against the Government on the smaller cut. Well, Sir, I fail to see the responsibility in taking that action. It seems to me to border on irresponsibility, because we all know—I do not think even Mr. Jayakar would dispute it—that the 4 annas involved will not be passed on to the consumer. Therefore it seems to me there is not very much responsibility in taking action of that sort. We all know, in this House, from experience that these cuts are made from time to time. We do not take them very seriously.

Mr. S. Srinivasa Iyengar: What?

Sir Hugh Cocks: And in fact it is not an unknown thing to hear of Members, who had voted for a certain cut, and when they found they had been successful, had regretted it.

Mr. S. Srinivasa Iyengar: Who?

Sir Hugh Cocks: I am not speaking of any particular Member. I am stating a fact that these cuts are made, from time to time, more or less as a gesture, and some Members regret the result afterwards. Mr. Kelkar referred, at the outset, to the fact that he knew what message was coming from the Chair yesterday and therefore he did not rise in his place. I hope, Sir, it will not become customary for Members of this House to endeavour to anticipate messages; and if they think it will be a pleasant and nice

message then they will get up, and if they think it is going to be unpleasant, they will not rise when messages from the Governor General are announced. I think that would be somewhat lowering the dignity of the House and lowering the dignity of the people who embark upon the practice.

Sir, it seems to me that the issue is a very simple one. The Government require this money; they cannot see their way to give up Rs. 65 lakhs; and from the point of view of expediency and indeed from every other point of view, I think the procedure which has been adopted is not unfair to this House, having regard to the fact that the cut, as I have said, is one which in my view is mainly a gesture and also to the fact that the effect of it will not really reach the poorer classes whom we all desire to benefit.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, it is a well-established principle of the British constitution that the King can do no wrong. In other words, if the King does wrong, his Ministers must be held responsible for the wrong. If we apply that principle to our constitution, the King's representative, the Governor-General of India, can do no wrong; and if we feel that he has done wrong, then we must hold his Ministers responsible for that wrong.

Sir, even under the mock constitution which this unfortunate and ill-fated country is supposed to be enjoying at the present moment, we have all these years been led to believe that, to some extent, the voice of this Assembly will be heeded by the Government. The other day we passed a Resolution asking for Dominion status; and within a few days the Government of India have made a suitable response to our demand. It is significant that when this House divided on the motion for reduction of the duty on salt from one rupee four annas to one rupee, 56 elected Members voted for the reduction and only two elected Indian Members of this House voted against the motion. What do we find now? The advisers of His Excellency the Governor-General, in spite of the fact that they could get only two elected Indian Members of this House to vote against the reduction, have deliberately advised him to flout this almost unanimous decision of this House. (Hear, hear.)

The Government of India have advised His Excellency the Governor-General to send back this measure in a recommended form. What is the recommendation? That the decision arrived at almost unanimously by the elected Members of this House is not acceptable, and that the Government of India's decision must prevail, and the voice of this House must count for nothing. If that is the policy of the Government, what is the necessity of bringing forward the Finance Bill before this House? If we are not allowed to make any alteration, if we are not allowed to make any reduction, why should the Finance Bill come here at all? It is absolutely a farce and a waste of time to bring the Finance Bill before this House, if the Government of India are determined not to allow this House any voice in the matter of taxation, even to the slightest extent.

I am afraid Sir, the whole difficulty of working the present constitution arises out of the most unfortunate mentality of the Government Members. They do not take this House seriously they have no respect for the decisions of this House. I shall give the House an illustration of the official mentality. Recently I was travelling on a boat which carried a number of American tourists; an Englishman of the age of about 38 years belonging to one of the All-India services, who has served in this country for fourteen years, happened to be travelling on the same boat. He was talking to an

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American lady; and in order to make it clear to the House that there were no extenuating circumstances, I may mention that the lady was neither young, nor pretty nor attractive (laughter). She sought certain information from this English official. She told him she was going to see Delhi and Agra and this Englishman said to her, "If you go to Delhi, make it a point to go and look up the monkey House." The American lady was very interested; she thought the English official was referring to a house containing some rare specimen of monkeys in a well kept zoo at Delhi. Then this Englishman explained to her that what he was referring to was the Indian Parliament—this unfortunate House. Now, Sir, that official of the Government of India represents the normal official mentality. It is not unusual . . .

Mr. President: Will the Honourable Member give his name?

Mr. Jehangir K. Munshi: I am in a position to give the name, but I would rather refrain from doing so.

Mr. President: The Honourable Member can do so privately to the Chair.

Mr. Jehangir K. Munshi: Very well, Sir. I shall be only too pleased to give it privately to the Chair.

Now, Sir, this is the mentality of the Government Benches. (*Cries of "No, no" from the Government Benches.*) I would like to know how many of those gentlemen now sitting on the Government Benches are prepared to assert that they have never referred to this House as a monkey house. I only see one hand raised in response to my challenge. Well, Sir, if that is the mentality regulating the official minds, if Government Officials sitting in this House, as Members of this House, refer to this House as the monkey house . . .

The Honourable Mr. J. Crerar (Home Member): I really must protest, Sir, against any such assertion. I deny entirely that it does represent the mentality of the Government Benches in this matter.

Mr. Jehangir K. Munshi: I have not been able to hear the Honourable the Home Member quite clearly. Is the Honourable the Leader of the House asserting that he has never heard Government officials refer to this House as the monkey house?

The Honourable Mr. J. Crerar: I have no recollection of hearing any official of the Government of India making use of that expression.

Mr. Jehangir K. Munshi: Then all I can say is, Sir, that the Leader of the House is particularly ill-informed; and the fault lies at the door of Mr. Coatman. It is for Mr. Coatman to see that the Government of India know exactly what is happening. I repeat that this is how the Government officials regard this Indian Parliament; and that being the official mentality (*Cries of "No, no"*) . . . That being the official mentality, how is it possible for them to show any respect for the mandate of this House? And, Sir, what has happened during the last 24 hours, shows that, until that mentality is changed, we can have no hope that Parliamentary institutions will flourish in this country.

I think the time has now arrived when the Government of India must seriously make up their mind whether they are going to help one or the other of the two movements in this country. There is no third road, and there can be no third turning. As I said the other day, an overwhelming section of intelligent, educated Indians in this country want to remain within the British Empire and are striving for Dominion status. There is the other and infinitely smaller section led by my Honourable friend, Mr. Srinivasa Iyengar, which is beginning to clamour for independence.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): What has that got to do with the salt tax?

Mr. Jehangir K. Munshi: If my Honourable friend, Colonel Gidney will exercise his intelligence, he will see what I am driving at. The salt tax itself has at the present moment become a matter of secondary importance. The "recommendation" of His Excellency the Governor General has raised a grave constitutional issue. If the Government of India want to help Mr. Srinivasa Iyengar's movement for independence, they could not have selected a better method than they adopted yesterday of advising His Excellency the Governor General to restore the salt tax to the original figure of one rupee four annas, although it was reduced to one rupee by 56 elected Members of this House, only two elected Indian Members voting against the reduction. (Applause.)

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-official). Sir, before I speak on the real question, I must express my surprise at the speech of my friend, Mr. Munshi. I think there is nothing in the point which he has tried to make out and the language of the joke which might have been uttered outside he has taken so seriously as to impute these motives to the Members of the Government. This is not right—that any Member should speak in this way about those persons who themselves adorn those Benches in this House. I would be the last person to speak in any derogatory terms about this House as long as I remain a Member of it. I will defend it outside as well as inside as long as I continue to sit in this House, and I think, Sir, that if Mr. Munshi had even heard anything derogatory to this House outside in private conversations, it was his duty to keep silent on this question, and he should not have brought it before this House in the manner he has done today. We are accustomed to hear of this House being described in several ways. For instance, the first Assembly was characterised as a Lunatic Asylum, and the term M. L. A. was described as Member of the Lunatic Asylum, and a lot of gentlemen who used to talk of Members of the old Assembly as Members of the Lunatic Asylum are sitting here today as Members of this House. Therefore, perhaps it was meant as a joke, and I don't think anybody should seriously attach any value to it and introduce it here in connection with the motion which we have got to decide before the House, as Mr. Munshi has done. Evidently his object is to prejudice our minds in coming to a decision by mentioning things which he hears either in the lobby or outside in the streets. That shows, Sir, what amount of responsibility we have really got, and what kind of men we have got in the Assembly and how seriously we can come to any conclusion on any important question. That, Sir, is my reply to my friend Mr. Munshi.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): May I point out to the Honourable Member that Mr. Munshi analysed the votes of the elected Members.

Mr. Muhammad Yamin Khan: Then it was asked whether the Governor General has treated this House with proper consideration or otherwise. I think, Sir, the Governor General had two courses open to him; one was to go to the Council of State, and the other was to refer the same question back to this House for its consideration. I think, Sir, by adopting the latter course, which the Governor General has done, he has shown the greatest consideration to this House. If the question had been referred to the Council of State, as my friend Mr. Jayakar pointed out, the object would certainly have been gained just in the same way. But by referring the question to this House, the Governor General has certainly shown the greatest consideration to this House instead of getting the decision of this House cancelled by another body, because he thought that possibly this House, after knowing something more about the matter, might like to revise its opinion. Sir, I personally have not got such a bad opinion of this House as to think that this House will be so obstinate or childish as to say that, because we have once decided a question in one way, therefore we should not listen to any other argument, whether we were right or wrong. I certainly have got better expectations of Honourable Members of this House, and I think he is no sensible man who is not willing to revise his opinion in the light of fresh arguments that may be advanced in support of a proposition.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) I hope the Honourable Member will change his opinion about Reforms.

Mr. Muhammad Yamin Khan: Sensible people are those who will change their opinion the moment they find that they have made a mistake in arriving at a certain conclusion in the first instance.

Mr. Ram Narayan Singh (Chota Nagpur Division Non-Muhammadan): Will you change your opinions?

Mr. Muhammad Yamin Khan: When we examine the whole question on its merits, then and then alone can we find out whether we were right or wrong.

Now, let us see the action of Mr. Jayakar and Mr. Kelkar. They said that they did not like to vote on the question of 8 annas and 10 annas. What did they do? They remained neutral, they said that they showed their responsibility by remaining neutral. Is that the way of showing your responsibility? If any Honourable Member felt that a certain reduction was wrong, that the motion was wrong, his duty was clear; he should have walked into the other lobby; he should not have stuck to his seat and remained neutral. Whenever I feel that a certain thing is wrong, I would never hesitate to walk into the other lobby, irrespective of the fact whether somebody was pleased with me or not. Whom are you going to please? You are pleasing nobody; you are not pleasing even your own conscience. Your conscience told you that you were doing something wrong in keeping back your vote, and still some of my friends say that they have been exercising their responsibility in the right manner. I am surprised, Sir. I have been observing the greatest change during the last 7 or 8 years that I have been in the Assembly. I have found marvellous changes in these 8 years' time, not towards responsibility, but towards irresponsibility. Anyhow, Sir, I have still got hopes of my countrymen that they will not do any kind of injury to their country; they will not

hamper the progress of the Reforms by showing any sense of irresponsibility in this House. Our actions are very carefully watched; each action of ours is weighed properly. Therefore, I would appeal to the House not to show any sense of irresponsibility in this matter; I would appeal to them to do good to India, to do good to this House

Mr. President: What about the merits of the amendment?

Mr. Muhammad Yamin Khan: I am coming to the merits of the amendment, Sir. We find that Rs. 65 lakhs are going to be reduced by this cut. Where is this large amount of money to come from?

An Honourable Member: From the Army Budget.

Mr. Muhammad Yamin Khan: My Honourable friend says it should come from the Army Budget. Under the present circumstances when we have trouble on the frontier, I am surprised that some of my friends demand that there should be a reduction in the Army Budget. I don't like to say anything more about it. (*An Honourable Member* "Why not"?). What is the demand of this House? My friend, Dr Moonje, will come forward and say that he wants rifles for school children, and he wants money for various other things which are called our national demands. Instead of pressing for those demands, we say we are not going to give you the necessary funds

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadan) Is all that money to be reserved for starting rifle associations?

Mr. Muhammad Yamin Khan: I will just reply to you. The only point is your object can be gained by continuously pressing your demand.

Dr. B. S. Moonje: Can you get the Government to reserve that sum of money for training Indian boys in military drill and rifle practice?

Mr. Muhammad Yamin Khan: Then there are the provincial contributions

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural) There are no provincial contributions.

Mr. Muhammad Yamin Khan: I think, Sir, it is not the consumer who gains by this cut. Now, if the consumer gains, I think this House ought to vote. If these 4 annas were going into the pockets of the consumer, we would have been willing to vote for this. But what do we find? These 4 annas will not go into the pockets of the poor consumer; but will go into the pockets of the middleman. You want one pice to be reduced on 2½ seers, but there is no poor man who purchase salt more than a *chatak* at a time. If a poor man goes to purchase a *chatak* of salt at one time, will this one pice, which you want to reduce, have any effect on the purchasing value of a *chatak* of salt? Certainly, it will not have any effect. The poor man, the labourer who is working in the street gets about 4 or 5 annas a day, and such a man has not got sufficient money to purchase his provisions on a large scale for the whole month. He gets his wages daily and he has to buy his provisions daily. If he makes purchases daily, then he cannot purchase salt of more than a pice worth. What he usually does is, he goes to the bazar and asks for a bit of salt, a bit of pepper, a bit of something else and so on, and all that comes to two pice. All these things are given on a small piece of leaf of a tree. Do you think these

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poor customers, who buy two or three crystals, are really benefited? Who is benefited? It is really the middleman who makes lakhs and lakhs. I was told yesterday by one middleman that, by this cut, he would make Rs. 1½ lakhs in one day

Diwan Chaman Lall (West Punjab: Non-Muhammadan): How!

Mr. Muhammad Yamin Khan: He makes it because he has indented for something. . . . (An Honourable Member "He loses.") He orders from the other purchasers to whom he supplies and he has put in his orders to the Government. (An Honourable Member "Does he lose or gain?") I think Rs. 65 lakhs are going into the pockets of the middlemen, and if you think we are speaking on behalf of the middlemen, then certainly we can throw out this amendment which has been moved by the Honourable the Finance Member and vote for one rupee. But if you want to benefit the poor man, then my Honourable friends Messrs Jayakar and Kelkar ought to have voted for eight annas, for that would have done some substantial good to the consumer. But this four annas' reduction is not going to do any good. There is nobody who buys 2½ seers in the whole month, and by this reduction you reduce one pice only on the price of 2½ seers. Therefore I think that, on the merits of the case, we are not benefiting the poor consumer in whose name we are speaking, by this four annas reduction, and we would be really doing some good to the middlemen.

Mr. A. Rangaswami Iyengar: Although the question of the merits of the restoration of the salt duty from one rupee to one rupee and four annas was briefly dealt with by the Honourable the Finance Member, the real question before the House, I submit, is something very much more serious. The real question is, are we here only to register the decrees of the executive Government of this country? If we are mere registering machines for the executive Government of this country which the present recommendation indicates, then I say it is up to the Government to be open, to be honest and come here and say, "We want to govern by our will. We want to make our own expenditure programme, we want to make our own revenue programme. We won't allow you to meddle with it in any way, we will restore every item of expenditure which you cut out, or restore every reduction of tax which you make. We have that power and we propose to exercise that power." If that is so, I say it is the duty of the Government to say so at the very outset.

With your leave, Sir, I may be permitted, without touching the point of order which was decided by you on the rules as they stand, to put it to the House that the entire scheme of the rules, if they are as they are now interpreted to be,—the entire scheme of the rules—is inconsistent with the scheme of the Montagu-Chelmsford Act. Section 67-B is the section by means of which essential legislation can be undertaken by the Government for their own purposes, for the purpose of carrying on the government of this country. In so far as those powers are concerned, the procedure by means of recommendation was the procedure which the Joint Parliamentary Committee substituted in place of what was known as the Grand Committee procedure. So far as essential legislation is concerned, the Governor General should recommend to this House that it is essential for the safety, tranquillity or interests of the country that a particular legislation should be passed or should be passed in the particular form in which His Excellency recommends it. I say on a proper construction of

the Government of India Act this recommendation ought to be appended to every essential Bill at the outset. Either a matter is essential to the safety, tranquillity or interests of the country or it is not. If it is essential for the safety, tranquillity or interests of the country, then the Government is failing in its duty, and its advisers will be failing in their duty, if they, at the very outset, conceal that fact from the cognisance of the Assembly when they bring their Bill originally before the House. If it is essential, then they have committed that wrong. If it is not essential, if, on the other hand, they think that the normal course of legislative procedure should be adopted in this country when they bring in a Bill, when they find that a Bill has been altered in a manner not to their liking, it is not right, it is not honest for them subsequently to come and say, "Oh, no. We did not consider it essential, but now that you have refused it, for the reason that you have refused it, we consider it essential." If it is essential, it is due to us that the Governor General or the Government must say so at the very outset. I say that is the scheme of the Government of India Act and that is the basis upon which, if you will read the Joint Parliamentary Committee Report and the Montagu-Chelmsford Report, the whole thing is based.

A good deal has been said about the opportunity for reconsideration which we are given by this very kindly and paternal act on the part of the Governor General, on the advice of the Government. So far as that is concerned, I say the Act conceives only of two kinds of legislation,—that which is to take its normal course, and that which the Government consider ought not to be left to its normal course but ought to be enacted by the certificate procedure because they consider it essential for the safety, tranquillity or interests of the country. If it is a mere case of rectifying a mistake made by us, I say the Act has provided two distinct methods by means of which the mistake can be rectified. In the first place, the Bill may be taken to the Council of State and there amendments may be proposed for rectifying the wrong decisions of this House, not because they are essential but because they are wrong. In other words, if the legislation is essential, the Government must say so at the very outset. If it is merely wrong, they must go to the Council of State and try to set it right. Assuming that the Council of State sets it right, then it is brought back to this House and the procedure is provided, that the Government should then move that we do agree with the amendment made by the Council of State and that will give us an opportunity to reconsider the position. That is one opportunity. The other is one vested in the Governor General himself. So far as the Governor General is concerned, apart from the Government which may move that the Bill, as amended by the Council of State, be agreed to by this House, so far as the Governor General is concerned, suppose both Houses have committed a mistake and wrong decisions have been given upon a particular Bill, or particular clauses of a Bill, then section 68 of the Government of India Act gives the Governor General the fullest power to send back the Bill for the reconsideration of this House, pointing out that particular clauses should be modified, because in his opinion they are wrong. Such procedure has been repeatedly adopted in the provincial Legislatures, as well as in the Central Legislature, and the Viceroy, when he sends it back to us for reconsideration, through a Member of Government, takes the opportunity, in this House, to explain why the Governor General, in his opinion, thinks that the House should reconsider the decision which it has adopted, and then we discuss the question on the merits.

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Those are the occasions, those are the means by which opportunities for reconsideration are provided to this House. That is not a procedure which the Act has contemplated for what is known as essential legislation. I say essential legislation is essential legislation from the very outset and I say the rules under which this motion is made are in a sense *ultra vires* of the Government of India Act—in the manner in which they have been enacted.

Mr. President: Order, order. If the Honourable Member wanted to suggest that the rule under which I have given my ruling is *ultra vires* of the Government of India Act, he should have raised that point yesterday. No one raised that question and the Chair was not called upon to decide it. It was assumed all along that the rule was there and the interpretation of the rule was in question. There was no question whether the rule was *ultra vires* of the Government of India Act.

Mr. A. Rangaswami Iyengar: I only put the point. I do not by any means question the ruling. Nor do I seek to raise a point of order on the question whether the rules are *ultra vires*. I will content myself with saying that the scope of the rules is inconsistent with the policy of the Government of India Act. I shall put the case at that and leave it there. So far as the question of *ultra vires* is concerned, it is a matter which we are at liberty to raise in a court of law. Therefore, all I can say is that the procedure which has been adopted by the Governor General, namely, the recommendation procedure is entirely different from—and it is a travesty to call it—an opportunity for reconsideration, for what does the Viceroy say by means of this recommendation. He says “Notwithstanding the fact that I did not think or did not choose to tell you at the outset, that this thing was essential to the safety, tranquillity or interests of India, since you have chosen to alter the duty, I now tell you that it is essential for the safety, tranquillity or interests of India and therefore I call upon you to alter it at once. If you alter it, well and good for yourself. If you don’t you can go and hang yourself. I am going to make it law, in spite of your saying ‘aye’ or ‘nay’.” That is the meaning of the recommendation which was handed to you, Sir, yesterday in this House, and we are told by Mr. Yamin Khan and by certain other people “Oh, it is a very paternal and kindly act on the part of the Governor General to give you this opportunity.” Sir, the plain question before this House is “Are we to be treated like children in this House?” If the Viceroy really thought that this thing was essential—and I presume he thought it essential—I do not say that it was an afterthought, if the Government thought that the entire budget was sacrosanct, that they would not allow any material deviation from the budget, that they would restore every cut, and that they would restore every amendment made in the Finance Bill, that the Finance Bill could not be altered on pain of being certified, that the budget Demands for Grants could not be altered on pain of being restored, I say, then, Sir, that the sooner the sham is ended the better. What are we here for? What is the object of putting this budget before us? Either we should consider it on the merits, and if our proposals are reasonable, it is for the Government to say, “Very well, it is reasonable and we are prepared to accept it,” or if they are unreasonable the Government should adopt the ordinary procedure by means of which you take it to the Council of State and get the mistake rectified there. If that is not rectified there, you can send

it back under the reservation provisions of section 68 again for reconsideration. That is the procedure. If, on the other hand, you say that you shall not permit the slightest deviation from your proposals in the Finance Bill and from your proposals in the budget, and that if we make it, there the certification goes—if that is the position, then why call upon us to sit here and waste all this time in making proposals?

The Honourable the Finance Member has promised a good many things this session. I really wonder whether five years will be enough for him to implement all the promises he has made in the course of this one budget session. And there are four more budget sessions yet to be faced! Therefore, I think that, if the House owes anything to its self-respect, if it really thinks that it is a representative body, that it is really called upon to discharge its duties to the taxpayers of this country, it ought not, for very shame, accept this impossible and humiliating position in which it has been placed by the Governor General on the advice of the Government.

Then, Sir, on the merits, is it really necessary that in the interests of the safety, tranquillity or interests of the country that this duty should be restored? The Finance Member asked "If we lose 65 lakhs, where can we find the money?" That argument will apply to every item in the budget. So long as we are a non-official majority, so long as we have only the power of criticism, we cannot take it upon ourselves to suggest alternative schemes. Nor can the Finance Member take the responsibility for executing them when he himself does not agree with them and we are not placed in the position to undertake the responsibility in his place. The position is an impossible one. We are asked to assent to the budget, tied hand and foot at every stage. I do not think this 65 lakhs is such a formidable sum, that the Finance Member cannot find a provision for it. There are so many things in the budget, by means of which this 65 lakhs could be dealt with, without humiliating this House into eating its own words. There are many things upon which the Government have embarked, which are of a discretionary character. My friend Mr. Chaman Lal referred to the Army expenditure. My friend Mr. Yamin Khan thought of the clouds on the North-West Frontier Province. If they want money for the North-West Frontier, I am sure they have the power to incur expenditure under the emergency provisions. Then there is the normal Army expenditure. The present Army expenditure is deliberately put at 55 crores, and it has been stated in this House by the Finance Member that there is a convention between him and the Army Department, under which they are to go on making savings, and that those savings were to be available to them for various new projects of expenditure which they have been wishing to embark upon. The saving expected is about 2 crores per annum and this 65 lakhs would only amount to less than one-third of the reserves thus accumulated. As I have already stated in the House, there are many other reserves which could await being added to, and this paltry sum of 65 lakhs could easily have been found in a budget of 250 crores. Therefore, Sir, I do not think that matters.

The Finance Member then said that the remission of the salt duty is not really a measure called for in the interests of the poor in India and that the middleman would carry away whatever remission might be made in the duty, and that the poor *ryot* would not get the benefit of it. Such touching sympathy was trotted out by the Government for the poor man! What is the position? I am prepared to say, on the floor of this House, that I am not one of those who, in point of abstract theory, think that a salt

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tax *per se* is objectionable, but I am not one of those who, on grounds of sound financial principles, would accept the proposition that the salt duty should be allowed to remain and that, if we get more money than is necessary, it should be used for purposes of beneficial expenditure. I do think it is sound finance to go on taxing the poorest of the poor in this country with a view to spend the money on schemes of a developmental character which may or may not benefit him. In the next place, I think it will be agreed that a tax like the salt tax ought to be what may be called a financial reserve. It ought to be the financial reserve of all Governments. Any Finance Minister who has got to face the difficulties of this country, which is subject to varying monsoon conditions, should naturally want to keep the salt duty as low as he can possibly keep it, so that, in a time of difficulty, it would be the easiest means for him to find the money from. I would treat it as a financial reserve and not a reservoir for embarking upon developmental expenditure. I say, Sir, it is an unsound financial proposition to say that the salt duty should be continued and that the extra income got out of the salt duty should be employed on various developmental schemes. I repeat, Sir, that the salt duty should be kept as low as possible: in fact that it should be repealed altogether, so that in time of unexpected deficits, in time of financial emergency, it will be possible for Government to go to that source and recoup themselves to meet such deficits. That is my financial criticism of the proposal to restore the duty and I object most emphatically to the motion of the Honourable Sir George Schuster.

Mr. M. K. Acharya (South Arcot *cum* Chingleput. Non-Muhammadan Rural): I thank you, Sir, that at last your eyes have fallen upon me.

Mr. President: Does the Honourable Member suggest that each time he stands, I should call upon him?

(Mr. Acharya essayed to speak.)

Order, order. Does the Honourable Member understand the insinuation that is involved in his first sentence?

Mr. M. K. Acharya: I only say I had stood ten times before your eyes fell on me, Sir

Mr. President: The Honourable Member is bound to stand as many times as is necessary until I call his name. It is highly improper for the Honourable Member to use language likely to be construed as a reflection on the Chair (Cries of "Withdraw, withdraw").

Mr. M. K. Acharya: I withdraw, Sir, if you think there has been any insinuation, which I did not intend

Sir, I desire today to plead for the Government and with the Government; in other words, I do not desire to plead with my Honourable friend on my right; for I feel that the Government, in the motion they now propose, are doing something which is really against the best interests of Government itself. When finally opposing the clause relating to the salt tax, I expressed the hope, which I now find was not well founded, that the members of the Government would think twenty times over before advising His Excellency to do anything which might seriously interfere

with the decision of the House. I am sorry that my humble advice fell on deaf ears. I am sorry that Government, unwisely in my humble opinion, have advised His Excellency in a very, very wrong manner. Sir, it has been said that there are a good many considerations, a good many aspects involved in the measure which we are now asked to reconsider. Sir, it has been the chief argument of the Finance Member today—though it is not a very new argument—that there will be a deficit of 65 lakhs in the revenue of the Government of India, which he thinks he could not easily make up; and in order, therefore, not to take the trouble either to retrench or economise, in order not to take the trouble to find how the 65 lakhs could be made up, he has advised the Governor General to incur what is, I consider, the odium, the very undesirable odium of the whole country by flouting the considered views of this House.

I am sorry that, in this respect, I differ from my Honourable friend, Mr. Yamin Khan, who thinks that the reduction of 4 annas would not benefit the consumer but only the middleman, and who therefore thinks he should welcome this opportunity to revise the decision we had arrived at on a previous occasion. It would have been better if we had been spared this very ambiguous compliment. We do not want to be told that we had been foolish boys and that we should behave better today. I am sorry that any responsible Member of the Government, who wants to cultivate good relations with this side of the House, should tell us that we have been bad boys. Is this the tact, the diplomacy, the political skill which the gentlemen sitting over there claim so very often? Is this the attitude they desire to adopt in dealing with the non-official Members of this House? Sir, I deplore such want of tact. Sixty-five lakhs is nothing when compared with the goodwill of the people at large, it is a trifle. And yet we know how many great events in life hang on trifles. Some of the greatest events in history have hung on trifles. How much of this reduction will go to the poor man does not matter. There is a strong feeling throughout the country that Government are not prepared to allow the non-official Members to interfere, even to the least extent in their decrees. Dealing with the larger question of policy, His Excellency, in his opening speech, has told us that he is anxious to create goodwill among all, an atmosphere of mutual goodwill between the rulers and the ruled. Is this the way to create an atmosphere of mutual goodwill between the rulers and the ruled, especially at this time when great constitutional changes are expected in the course of the next few months? Is this the way Government are going to ask the people in this country to have confidence in them? I feel, strongly, that Government ought to realise that it is a very unwise step that they are now taking. Sitting in their own secluded chambers, if they had asked the Governor General to certify this Bill, without coming to this House, it would be unfortunate to some extent, but it would be less irritating. Sir, I am prepared to admit that this question of the salt tax is one of sentiment; but a man would be a beast if he had no sentiments. Sometimes those sentiments may be inconvenient to some people but a man without sentiments would be a brute. Even the brute, I think, has got its own sentiment. What though this is a sentimental objection? Nine-tenths of a man's life consist in sentiments. A sentimental objection may yet be a very strong one. Sentiment has got to be respected in very many cases. Therefore I am sorry that Government have not regarded the matter from the larger political and diplomatic point of view. We are going out very soon to the country at large; do the

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Government want to irritate the electorates; do Government want that we should oppose them the next time we come elected here even more strongly than ever before? If they want that we should come back and oppose them a thousand times stronger than at present, they cannot goad us better than by bringing in this measure today, and having this salt duty restored.

My friends have said very often that no amount of appeal, that no plaintive cries will reach the ears of this deaf Government. In view of such standing complaint, I consider that Government, on this occasion, have been exceedingly ill-advised; that it was very wrong on the part of His Excellency's advisers to go and tell him, just at this moment, which is going to mark a constitutional epoch in the history of modern India--to go and ask the Governor General to adopt this very, very odd procedure of coming to this House in the manner that has been chosen. I deplore that such cheap advice has been given by the Government Members to His Excellency.

I desire, Sir, to repeat the argument that has been advanced, that 65 lakhs is almost nothing; that if the Honourable the Finance Member has got the will, he can certainly find the 65 lakhs. My Honourable friend, Mr. Rangaswami Iyengar, in the closing portion of his speech, pointed out how the Honourable Finance Member could easily draw 65 lakhs from the reserves, either in the Army Department or in some other department. I do therefore say from the standpoint of the constitutional development of this country, that this is a very unfortunate procedure. It is admitted on all sides that here Government have got only a perpetual permanent opposition, which deals only in irresponsible destructive criticism. Whose fault is it? One of the best political writers of England has said that the only antidote against irresponsible criticism in any popular House is responsibility. If that is so, is this the kind of responsibility that you are going to give us? We carried a small reduction only a few days ago; and within a few days, you come back to us and say, "Eat your own words and go back to Rs 1-4-0", for the sake of such a paltry, insignificant sum as 65 lakhs, out of 100 crores and more which you are going to spend. Sir, I must deplore greatly the want of tact, the want of judgment, and the want of wisdom on the part of those who are His Excellency's advisers today.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. Mr. President in the Chair.

Mr. President: I find there was some misunderstanding. I thought I had said, ~~when~~ adjourning, that we would meet at twenty minutes to three; but I was told that I had said ten minutes to three. I regret the slip.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend, Mr. Yamin Khan, referred to what he described as the

marvellous change in the attitude of this House. He thought that, since the days when he and I were Members of the first Assembly—an elected member he was at that time, if I may remind this House—the sense of responsibilities displayed by the non-official Members has been a diminishing quantity. Well, Sir, I want now to testify to the marvellous change that has come about in the attitude of my Honourable friend himself (Laughter).

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural): He has lived to learn!

Mr. K. C. Neogy: While speaking on the budget in the year 1922, this is what the Honourable Mr. Yamin Khan stated with regard to the criticisms against the salt duty:

"I endorse all the speeches of non-official Members of this House about salt."

An Honourable Member: The duty was Rs. 2-8-0 at that time.

Mr. K. C. Neogy: All the criticisms which my Honourable friend endorsed on that occasion were to the effect that the salt duty was an impious taxation, that it ought never to be imposed, and that the rate at which it stood at that time was not acceptable to this House. All that he endorsed in his own speech in the year 1922. My Honourable friend seems to think that the only way of establishing our sense of responsibility is meekly to submit to the dictation of His Excellency the Viceroy on the present occasion. He forgets that, unless this House has some amount of self-respect, you cannot expect any sense of responsibility to be developed by it. Surely, Sir, self-respect precedes the sense of responsibility. When this particular section of the Government of India Act, under which the Viceroy has taken action, was under discussion in Parliament, several Members of the House of Commons pointed out that the wide powers that were sought to be left to the head of the administration would reduce the Assembly to the position of a mere nonentity. If, as they pointed out, it was intended that non-official Members should develop a sense of responsibility in them, then surely it was not right to invest the head of the administration with arbitrary powers which he could exercise in putting down the considered views of the popular House. When a specific amendment was moved to this particular section, seeking to circumscribe its scope, Mr. Montagu, in replying on behalf of the Government, admitted that the Honourable gentleman who moved that amendment "had raised a point of supreme importance." But then he went on to assure the House that the terms of the section itself guaranteed a very discreet and a very cautious use being made of this extraordinary procedure by the Viceroy. He said: "It is not any measure which affects the interests, it is a measure which the Viceroy can say is 'essential'". He pointed out that the stress was on the word 'essential,' and not on the word 'interests'. Sir, on the statement which has been made by the Honourable the Finance Member this morning, I venture to think that he has failed to make out that this particular measure is really essential in the interests of British India. What he said was that the amount of loss in revenue, which would stand at Rs. 65 lakhs, could be met by making reductions in certain beneficent items of new proposed expenditure. Well, if he had only striven to carry out the wishes of this House, he could easily have adjusted this deficit. Surely, Sir, it would not be difficult to find out items of a non-recurring character, which would sustain the reduction, and which would, in the aggregate, meet this deficit of

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Rs. 65 lakhs. Therefore, I say that, even on the statement made by the Honourable the Finance Member, the Government have failed to establish that the proposed amendment is indeed essential in the interests of British India. It is a matter of convenience perhaps to my Honourable friend that the budget is not to be upset to any extent, but that, Sir, surely, was not contemplated by the framers of the Government of India Act to fall within the category of cases which they had in mind in enacting this particular clause. If we study the history of the Government of India Act, we find that, whether it is in the Montagu-Chelmsford Report, or in the Report of the Joint Select Committee of Parliament, or in the discussions that took place in the House of Commons on this measure, all that the authorities were contemplating was a state of grave emergency, in which the popular House might refuse to pass any legislation that the executive wanted to arm themselves with. And it is also clear, I submit, that the authorities in England had no idea of extending the benefit of this extraordinary procedure to a measure of taxation. Everywhere they speak of affirmative legislation, affirmative legislation which would be needed to enable the Government of India to carry out their essential obligations in the matter of the good Government of India, obligations for which they are accountable to Parliament.

Sir, in this connection, I am reminded of a somewhat similar formula that was at one time in force in the case of the Canadian constitution. About 170 years back, when the Province of Quebec was acquired from the French, and a regular form of Government had yet to be established, General James Murray was appointed Governor General and Governor-in-Chief of the Province of Quebec, and was charged with the duty of constituting a Council of nominated and other non-official Members. And elaborate instructions were issued to him to formulate a scheme of Government with the assistance of the Council. Large powers were left to that Council, and it was laid down that they could make rules and regulations necessary for the "peace, order and good Government" of the said Province. "Peace, order and good Government"—almost a paraphrase of the formula that we have in this particular section of the Government of India Act. But those instructions to the Government of Quebec made it quite clear that no measure should be passed, in virtue of those extraordinary powers, which would impose any duties or taxation against the wishes of the people. Sir, it seems to me that we have yet to arrive at the constitutional position which the Canadian Government occupied 170 years ago (*An Honourable Member*: "Shame"). I do not think that the Honourable the Finance Member himself, if he were free to express his views on this question, would cast his vote so as to stultify the decision which this House had already taken. The Honourable Member has referred to a telegram which he has received from certain unknown quarters, jointly addressed to him and to my Honourable friend, Sir Purshotamdas Thakurdas. Sir Purshotamdas Thakurdas is not here today, and although he did not vote with us on the last occasion, when we effected this reduction, I am sure, if he were in his seat today, he would have cast his vote with us in upholding the dignity and self-respect of this House.

Mr. Lalchand Navsarl: Sir, I oppose this amendment, and I oppose it very strongly. This amendment has been moved by the Honourable the Finance Member. From what I have seen of him during the sittings of

this House I consider him to be a gentleman. His actions throughout have been those of a gentleman; but, Sir, on this occasion, I am sorry I have to say that he cannot be congratulated for having advised His Excellency the Viceroy to ask that this recommendation should be made and that this amendment should be moved. I know, Sir, that when gentlemen come here from England, the atmosphere here certainly does affect them; but I feel that, in his case, it has come a bit too early.

Now, Sir, as regards this amendment, I think it would be wrong on the part of any of the Honourable Members to go back upon the Resolution that they have so deliberately made in this House. I do not want to reach this question from irrelevant points; I will touch a few points on the merits, and before I do that, I submit that this question has been debated many times now on the floor of this House and therefore it does not require me to elaborate these points. The last time this cut was moved, I gave my silent vote, because I thought that, when this cut was moved, the mentality of this House was that this was an important issue, and was of such a nature that the public wanted that there should be no taxation on salt at all; and I felt that the House recognised the necessity of making that cut, and therefore I gave my silent vote. But, Sir, now that this question is being reached in an extraordinary manner, I think I would be failing in my duty if I did not join hands with my Honourable friends who have opposed this amendment.

I shall come now to the procedure which has been adopted, and I must say that I endorse fully the opinion given by the Honourable the Deputy Leader of the Swaraj Party. I do not agree that this recommendation on salt comes within the purview of any of the words of section 67B of the Government of India Act. It is certainly not bound up with the safety, tranquillity or interests of British India. I submit therefore that the procedure is wrong, but the present is not the stage when we should say that the procedure is wrong or right, because that stage has passed. The amendment has been moved, and it has been thought proper by the Honourable the Finance Member to move it. We must therefore consider it on the facts as they are there. And, Sir, so far as these facts are there, I do not see that any of the Honourable Members, who have got up to support this amendment, have given any new reasons. The reasons are the same and they are being repeated over and over again. I shall not therefore go into those points, but I must say that there are two or three points that should be judged. The first point is that, when any taxation is going to be levied, it must be levied, under all principles, under all rules and under all fundamental principles, with the consent of the people; and I submit, on this question of salt tax, the exemption of which has been from time to time pressed by the public, this cut should not have been sought to be restored. I call it adding an insult to injury.

Then again, Sir, it has been said that there are two difficulties in the way. One is that a deficit of Rs. 65 lakhs will occur on account of this cut being made. What is this Rs. 65 lakhs? Is the Government going to come to a standstill if this small reduction is made? Sir, as to how this reduction should be made up in some other way, is a question for the Treasury Benches to solve for themselves; for I know that the budget that has been presented is in the hands of the Treasury Benches and of the Honourable the Finance Member and they know how to turn and twist the

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figures; they know how to make and unmake, and it is therefore for them to do it mathematically or unmathematically as they like. While on that point, Sir, I would say that a suggestion has been made that a cut could be made in the Army expenditure, and several other suggestions have also been made. I would suggest one more method. It is recognised that it is a notorious fact that this Government is a top-heavy government. Why not cut and reduce the pay of a few officials on the top and make up these Rs. 65 lakhs? (Laughter). It would be very easy to do that; but it touches their pockets and therefore they do not want to do that; they want to touch the pockets of the people always and not their own, and that is not right at all.

As regards the second point, Sir, that was urged by the Honourable the Finance Member, that the benefit of this small cut would not reach down to the public, I would submit that, according to the mathematical calculation of the Finance Member, the effect of a four annas reduction would be only a reduction of a pie per seer of salt. But when the public want relief, any little relief that can be given is welcome to the public, and on that ground the Treasury Benches should not insist on this cut being restored. I submit, Sir, that it is not necessary for me to add anything more. I would appeal to the House that we are in honour bound to stick to our Resolution that we have so deliberately and definitely made on the floor of this House in the first stage, and I would therefore oppose this amendment very strongly. That is all I have to say.

Mr. President: The question is

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

(The Honourable Sir George Schuster rose to speak.)

Does the Honourable Member wish to say anything?

The Honourable Sir George Schuster: May I speak in reply?

Mr. President: The Honourable Member has no right to speak; he has moved an amendment, and the Mover of an amendment has no right of reply under our Standing Orders.

The Honourable Sir George Schuster: I ask your permission, Sir, to do so.

Mr. President: I have never on any occasion, since I have occupied this Chair, given permission to the Mover of an amendment to reply; and I think it will be establishing a precedent; but if the House wants to hear the Finance Member I do not propose to stand in their way in the special circumstances of this case.

An Honourable Member: What is the use of hearing him?

Another Honourable Member: Some other Member might also wish to speak.

Mr. President: The question is:

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The Assembly divided :

AYES—46.

Abdul Aziz, Khan Bahadur Mian.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Jawahir Singh, Sardar Bahadur
Sardar.
Keane Mr M

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. O.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr Muhammad.
Young, Mr G M

NOES—41

Acharya, Mr. M K
Ayyangar, Mr K V Rangaswami.
Chaman Lall, Diwan.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr Abdul Latif Saheb.
Haji, Mr Sarabhai Nemchand.
Iswar Saran, Munshi
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan
Mehta, Mr Jannadas M
Mohammad Ismail Khan, Haji
Chaudhury.

Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Roy, Mr B C
Sarda, Rai Sahib Harbilas
Sarfaraz Hussain Khan, Khan
Bahadur
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr Abdul Qadir.
Singh, Kumar Rananjaya
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan
Sinha, Kumar Ganganand
Sinha, Mr Siddheswar Prasad.
Yusuf Imam, Mr

The motion was adopted.

The Honourable Sir George Schuster: Sir, I move that the Bill as recommended be passed.

Mr. N. O. Kelkar: Sir, I wish to address a few words to this House on this, the final reading of the Finance Bill, which is, of course, as we know, the coping stone of the financial design which was unfolded before us on the 28th of February last, though of course we know, at the same time,

[Mr. N. C. Kelkar.]

that the measure of expenses is not necessarily the measure of the revenue that has been asked for by this Finance Bill. In doing so, however, I will not go over again some of the constitutional issues which were discussed, or into the details of the administrative grievances which were ventilated by other speakers in the earlier stages of the Bill on the floor of this House

But I shall cover entirely new ground; and even then points which are strictly relevant or pertinent to the results of the Finance Bill. I shall only add that, whereas the Finance Member listened to the speeches from these Benches at the earlier stage with *anxiety*, born of doubt of uncertainty about the vote of the House, he can now listen to the speeches on the final stage with his mind *at ease*, because he knows that he is going to get the supplies he wants almost in their integrity

An Honourable Member: He will get them whether we vote them or not

Mr. N. C. Kelkar: Sir, the control of this House on the financial operations of the Government is already extremely limited. But insult is added to injury, when the Treasury Benches complain of the time taken by this side of the House over the discussion of the budget and the Finance Bill, and when the heterogeneous allies of the Government Benches produce homogeneity, in resorting to unparliamentary methods for suppressing the speeches of Members on this side of the House, as they very unwisely did on the 20th of March

I am not here to defend the deliberately dilatory methods, if they were employed by any speakers, nor am I prepared to swear that there were no repetitions of the same matter in some cases. But I can also say with certainty, that there were speakers who were left out, even at the closure, who did want to speak, and who had also many things of substance to speak upon. What I mean is that, if it is permissible to comment upon the administration generally, or impeach the constitution and policy of Government, in speaking upon the Finance Bill, then, there is no reason for anybody to complain that so much time was taken up. Nor was there any just excuse for the impatience exhibited on the 20th instant by certain members on that side of the House. I must say, in fairness to the Treasury Benches themselves, that they did not participate in the disturbance, and kept their stoic dignity, though internally impatient. But in my opinion, the ultimate responsibility for all this awkwardness of the situation and loss of good temper falls on Government, by reason of the arrangement of business which they make. And in this connection, I would repeat the suggestion, I made in my budget speech, that there should be a reconsideration of the time of the sittings of this Assembly. Personally, I would suggest that the Assembly should be summoned in the third week of November and should sit on till the third week of December, during which time much legislative business could be finished. Then it should meet again in the second week of January and go on till the 2nd week of March. In any case, full 25 to 30 clear days should be found for the discussion of the national finance, in all its forms and aspects. I have suggested an extended period for the session of this House, on the assumption that it would be tedious to have a concentrated discussion of the same subject from day to day for four weeks. Then, again, it may be considered whether something could not be done to separate completely the discussion of the general administration and the constitutional issues from matters of

pure finance, instead of their being mixed up as at present. I feel fortified in my plea for a longer number of days for discussion of finance by the fact, that, from the Parliamentary proceedings I find that from 50 to 60 days are made available for this business only in that House, and these are spread over a long period from February to August. On the other hand, I find that no less than 12 days are allotted for the discussion of Demands for Grants, even in the Provincial Councils. The writer of the Bombay Report on the working of the Reformed Constitution for 1927, says that:

"Nevertheless these 12 days are not found sufficient for the purpose. There has not been a single budget session when a considerable portion of the Demands (more than one third) had not to be passed without discussion, owing to the time limit having been reached."

But this means that the Bombay Council could boast of discussing as many as two-thirds of the total number of Demands for Grants. On the other hand, how many Demands are discussed in the Assembly in any year? The discussion on the questions of the Army, Executive Council, Secretary of State, etc., of course, has its own use, as they are the principal nerve centres of the administration. But there are scores of other matters which deserve scrutiny, which are studied by several Members of the Assembly, but which are shut out for want of time. It is said by the Poet "Culprits are hanged that jury-men may dine". But in the present case, the phrase may well be varied, and it may be said that many a departmental culprit among the Demands for Grants for expenditure is "saved by the guillotine", in order that the Government Members may go to attend their club or office. To name but a few, I would mention Interest on Debt, and Reduction or Avoidance of Debt, Department of Education, Health and Lands, Commerce Department, Administration of Justice, Agriculture, Industries, Currency, Irrigation, New Capital at Delhi, etc.

At present there is no encouragement to the study of details by the Members of the Assembly, owing to the fact that the opportunity to speak is more or less a gamble, and convention naturally requires that the Front Benches should have their share of time practically reserved. The Chair cannot do all the justice that I know it wants to do to the Back Benchers, simply because the time at its disposal is short, and it must slice it out as best it may, trying to be fair and equitable to all parties and interests, and true to all established conventions. Among the so-called Back Benchers, however, you have many earnest souls and careful students, and if this House or the Government do sincerely want to put a premium on assiduous study of such affairs as are brought under the purview of this House, a radical change must be effected in the present disposition of the arrangement about the Assembly sessions, in respect of the total period of time and its distribution.

Legislation is and, of course, must ever be a very important function of this House. The very name, namely, Legislative Assembly, conveys that idea. But the financial business is in effect the real crux of responsible administration. As observed by a standard author on this subject,

"It is the financial engine that drives the State along, and it is public opinion and public criticism that keep the engine working smoothly and at full power."

The engine house, in the great factory of this organised State of ours, is the Finance Department or Treasury, and in that is placed the financial engine which keeps all the machines of the Government at work, turning

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revenue into public services just as a steam engine turns coal into power. In England and other self-governing countries the people have secured complete control of the Treasury, and through the Treasury, the common will of the people is made effective. In India we are at the mere beginning of things, and our understanding of the financial system is about on a par with our control of it. The Finance Minister has therefore got to be as much our instructor as our agent, and has thus a great trust to discharge. An unsympathetic expert at the helm can do India very great harm. But we on our part are determined ourselves, to learn the intricacies of financial administration and to exercise control over the Finance Member. And for this, we demand full facilities, informative material, sufficient time, and full opportunity for organised expression of opinion.

The control of the Assembly over national finance is very limited, and this fact is brought home to the Assembly in many ways. The non-votable expenditure is nearly double the amount of the votable expenditure.

In respect of practically all expenditure, the final authority still rests with the Secretary of State, and the Indian Government has not got financial autonomy even in respect of the non-votable expenditure. As regards the votable expenditure, there is the exceptional power of the Governor General in Council to restore the cuts made by the Assembly, and in respect of the Finance Bill, which may conceivably be used as a lever of control, it may be noted that many heads of taxation are permanent and only a few, those not very important, are submitted to the vote of the House. To add to this, the Council of State has got the power to upset decisions of the Assembly and to befriend the Government against the displeasure of this House.

I may also point out, in this connection, that the Assembly does not enjoy any control over the borrowing powers, and in a general way over the debt policy of the Government of India. The appropriation of the money raised by way of loans, of course, is included in the annual scheme of expenditure, but the House cannot do any thing beyond expressing its opinion about the policy of the details of the loan transactions. There is, however, no justification for exempting public borrowing altogether from Legislative control. The matter has also a constitutional aspect. The Executive can, if it enjoys immunity from the control of the Legislature, in determining its loan policy, increase the burden of public debts without paying due regard to the considerations of economy and the need of keeping this public expenditure within public income. It can always outwit the Legislature, when the latter does not provide funds for certain purposes, by making use of its borrowing powers, more so when all the purposes on which the public money is being spent, need not be approved by the Legislature. In England the proposals for raising loans are embodied in a Bill, and do not become operative unless it has, like every other measure of legislation, been passed by the Legislature.

These complications must be diminished, if the Legislative Assembly should have anything like real control over national finance. It is time that the Secretary of State divested himself of the controlling authority over the finances of the Government of India in the name of responsibility of Parliament. But since the measure of responsible government in India is to be determined by Parliament, according to the declaration of 1917,

we cannot entertain high hopes of the liberation of even the Government of India from the authority of the State Secretary, even in matters of financial administration. The authority given to the Council of State to revise the Finance Bill passed by the Assembly, is a superfluity or a super-erogation, in view of the exceptional powers given to the Governor General, as we have seen today. Further, the scope of the annual Finance Bill must be widened and made broader than it is today. As it is, the Customs taxation is not included in the Finance Bill, except in respect of any material change that may be contemplated in the Tariff Schedule. The authority given to Government by the standing rules under the Tariff Act is so extensive, that Government need hardly go to the Assembly for any changes in the Schedule; and we may put it down to the desire of Government to show the clamouring Assembly some courtesy or pay the nation some sort of a compliment that the salt duty, postal rates and the important changes in the Customs tariff are put before the Assembly in the form of the Finance Bill. It may be contended that the submission of a comprehensive Tariff Bill to the Assembly every year may have the effect of unsettling business in the country. But if Government can trust the Assembly with all its imagined whims, vindictiveness and freakful nature, for disposing of taxation proposals, involving revenue of 80 crores, they can surely extend the same confidence and offer a larger target for the Assembly's broad-side of control every year.

Sir, I have thus tried to indicate the directions, in which the Indian nation suffers at present from want of control over its financial administration. But the Finance Member may turn round and say to me, "I am not responsible for this state of things. I cannot change the constitution, and therefore must work under it and according to it, so long as it is not changed." This, however, in effect goes very near to the witty slogan of Mr. T. P. O'Connor, the father of the House of Commons, who once said, "I will be damned, if I am buried before I am dead." My reply to the Finance Member, however, will be this: if you have any real sincere aspirations for the advancement of the financial freedom of the Indian nation, then the autocrat of the Treasury impersonally, should actively work in co-operation with us not only for the hastening of his own burial, but even for the accomplishment of his own death as an autocrat, and he, in doing so, must not consider himself damned in the operation. Such a voluntary effort towards the divestment by Government of its autocratic powers will only glorify the ever-boasted purpose of setting India on her own feet for self-government.

It may be said that even the Parliament in England does not exercise any greater control on the national finance than the Legislature in India. I do admit that a parallel does exist in this respect to a certain extent between the two countries. But that parallel, after all, makes up only one side of the shield, and we must remember that a shield has two sides to it and not one side only. I do admit from what I have read about the way, in which the finances are dealt with in Parliament, that the Parliament practically exercises no control over expenditure. That is to say, it has no control (exercised by itself) over extravagance, though it may have some control over irregularities, exercised through the Auditor General. The only matter of finance, in which Parliament exercises some control is taxation. But in both these respects, *vis.*, expenditure and taxation, India has, in her present condition, much greater need for control than the taxpayer in England. With regard to the expenditure in England, Sir Herbert

[Mr. N. C. Kelkar.]

Samuel says, "So far as direct control of expenditure is concerned, estimates might as well not be submitted to the Parliament at all". So also Mr. Hilton Young says, "Once estimates have been published, the taxpayers' fate is sealed." And here I may read to this House a passage from one other book which makes it a parallel in this matter, namely, want of control over expenditure. I read the passage, for some of the reasons given there also apply to the state of things here. The passage says.

"Had it the best will in the world, it has little power. For one thing the estimates do not offer the private member material on which to form an opinion. For another he has not sufficient knowledge. He only knows what he can pick up from outside. The Minister has a skilled staff behind him and all the requisite information at his service: that makes the attack difficult, but what renders it nearly hopeless is that the defendant has been through it all before. It is perfectly certain that the attacker can raise no point which the minister has not himself examined with its officials, or which the Treasury has not queried. The material has been sifted through a finer sieve than any which the House of Commons can apply. The private member is further handicapped in that he comes too late. The Government have fixed upon the estimates many months before the discussion, and in their decision the House of Commons took no part. It was then that economy was made or marred, for having once published the estimates to the world, the Government stand or fall by them. Governments are too strong. They use their strength to the full. If a vote on a big estimate is rejected or reduced they resign. This looks like accepting the will of the House, but in reality is bludgeoning it."

I am also aware that half the yearly estimates before the Parliament are passed undiscussed. But the Parliament there can afford to do that, for, if the electorate found Government to be wildly extravagant, it can and will turn the Government out. On the other hand, it is natural that, so long as the electorate chooses to keep its own Government in power and does not upset it, it must trust it.

In India, however, it is quite otherwise. The Indian people do not elect their Government, and therefore, have no confidence in it. The people know that, within certain limits, the central Treasury and the Accountant General in India do keep a good watch on details of expenditure. But there is no one within the body of the Government who can control the spending policy of Government from the popular point of view. It may be said that even, if the Indian people have self-government tomorrow, all the present extravagance would not disappear. My reply to that is that, the objection is of course not altogether invalid. Yes, there may be not much economy in expenditure in the whole, I would even admit the truth of the maxim that democracies are costly, still the people would have the power to apportion the expenditure according to their needs and tastes and that, after all, the error which you have the liberty to commit and which you commit as a matter of your discretion, is an act of self-realisation and what after all is self-government but political self-realisation?

Having said that much about the want of control in the Legislature in regard to expenditure, I would like to add one remark as to my vote on this Bill. If the amendment had not been made, against which I have voted, then I might not have voted against the whole Finance Bill. In fact, as Mr. Aney made the position clear for my Party the other day, we might not have opposed the Finance Bill, but for the Finance Member committing the mistake of making that amendment. Therefore I must say that I must vote against the Finance Bill at this stage.

Munshi Iswar Saran (Lucknow Division Non-Muhammadian Rural): Sir, I rise to oppose the motion of the Honourable the Finance Member. As my Honourable friend, Mr. Kelkar, has explained, we, who belong to this Party, would not have voted against the Finance Bill but for the amendment which has been moved.

There has been, Sir, a great deal of talk about responsibility, and different conceptions of responsibility are entertained by different speakers. My Honourable friend, Sir Hugh Cöcke, seems to imagine that responsibility consists in not embarrassing Government. My Honourable friend, Mr. Fazal Ibrahim Rahimtulla, took to task my Honourable friend, Mr. Jayakar, and told him that, if Mr. Jayakar had been consistent, and responsible, he should have voted with Government when the two cuts that Mr. Jayakar referred to in his speech came up.

He also said that Mr. Jayakar's speech came to him as a surprise. That may be, but I can assure the House that the speech of Mr. Fazal Ibrahim Rahimtulla did not come to me as a surprise at all.

Sir, I do not propose to weary the House at this late hour with a long speech. I do not wish to speak on the questions of the Army or on what has come to be known as the constitutional issue. We have passed the cuts relating to them and the House has left no manner of doubt as to what it thinks about the military administration of Government and the question of self-government. I wish to speak only for a few brief moments and I desire to say that the recommendation which has been made to us by the Governor General is not an isolated fact. My submission is that we observe signs of a policy of consistently ignoring the views and wishes, not only of this House, but of the country at large and I shall give you one or two instances to substantiate my point.

It will be in the recollection of the House that the other day a number of questions were put to the Honourable the Home Member as to what attitude Government would adopt towards the recent book, "Slaves of God" which has been written by Miss Mayo. I say, Sir, in all seriousness, that any Government which had the slightest regard for the feelings of this House, or of this country, would not have given the answers which the Honourable the Home Member gave on that occasion. He said that he could not commit himself. Could he not say even this much that, if the book was as offensive as "Mother India", Government would certainly take some steps. Supplementary question after question was put, but nothing would move the Honourable the Home Member.

I say, Sir, and I weigh my words—I may not be responsible, according to Sir Hugh Cöcke or Mr. Fazal Ibrahim Rahimtulla, but I do claim that I always try to avoid what I consider to be irresponsible talk—that the answers showed that Government had no solicitude for the goodwill, either of this House or of this country.

Take another instance. As the House is perfectly aware, a very great deal of keen interest has been taken in the question of Indian delegations to the League of Nations being headed by Indians. There was a debate a few days ago in the other place, and what we find is that the representative of Government got up there and said, "Yes, this year Government will send a list of the Indian Members and will tell the authorities in England whom they would like to be the leader." They could not rest content with this statement because they perhaps imagined that it would be a sign of weakness, so they told us, "Don't make a mistake about it. We are

[Munshi Iswar Saran.]

perfectly firm, and if you think we are going to yield to popular clamour, you are very much mistaken. It must be perfectly understood that, in subsequent years, Government retain and will exercise full discretion to entrust the leadership as seems to them most appropriate, to an Indian representative from British India, or to an Englishman, or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration".

I submit that this attitude betrays an utter lack of solicitude for the goodwill either of this House or the other. When a complaint was made that Indians were not elected to important committees, what was the answer? Not a word of regret. The representative of Government said that he most emphatically repudiated the insinuation. He said that Indians had been elected to important committees, but he said he wanted time to inquire into the question, and the best thing would be for the Mover to give notice of it. Has the Government had no notice of these grievances of long standing?

Then, we find that, without any reference either to this House or to the other Government makes up its mind to pay the expenses of the Butler committee. The amount may be large or small, with that we are not concerned at the present moment. My point is that this action gives you an insight into the mind of Government. It gives you an indication of their attitude towards this House as well as to the other.

Take yet another case. There were some questions put the other day to my Honourable friend Sir Denys Bray about the transfer of Aden. Sir Denys Bray, with his usual eloquence and skill, avoided making any satisfying statement. He simply told us, "Oh, well there is some difference between different Adens and I will look into the matter". When it was brought to his notice that in 1922—I hope I am not wrong, it was in 1921 or 1922—an undertaking was given on behalf of Government that the transfer would not take place before the matter had been considered by the two Houses, he said

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran Non-Muhammadan). It was in 1922.

Munshi Iswar Saran: My Honourable friend says it was in 1922. The transfer has taken place. I say again you find Government ignoring this as well as the other House. Indeed, I charge Government with not having observed the undertaking that was given by their representative in the other House. Sir, so, I was not much surprised when this recommendation came. If you take the trouble of seriously considering the present situation in India, you find on the part of Government an utter lack of appreciation of the forces that have been brought into being in this country. You observe, I say deliberately, the reluctance of Government to look at these problems from the Indian point of view.

May I give you another case? There is the Bill of my Honourable friend, Mr. Haji. Everybody is up in arms against it. Even my Honourable friend, Sir George Rainy, sometimes very gently has a fling at it. I shall assume, for the purposes of argument, that Mr. Haji's Bill is a rotten Bill, it is a useless Bill and what is more, it is a mischievous Bill. The question I put to Government is this. You will admit that India has a legitimate cause for grievance. You will admit that the Indian coastal

trade requires encouragement. If you reject Mr. Haji's Bill, have you any other remedy to suggest? No one, not even some of the responsible supporters of Government will have the hardihood to suggest that there is no evil to be remedied. I ask Sir, what remedy has Government to offer for the admitted evil? It is all very well to attack measures introduced by non-official Members. They may be wrong, I shall assume for the purposes of argument that they are utterly wrong and utterly undesirable. I ask Government, in all sincerity, to tell us their plans. I say to Government, while opposing Mr. Haji's Bill, you should say what you are going to do yourselves. Why don't you say, "This measure is all nonsense, we shall give something in the alternative which will be much better than what you propose"? Why don't you say, "Here is a measure which will give you exactly what you want without bringing in its train the evils of your Bill"? I ask, Sir, is Government devoid of all initiative?

Before bringing my remarks to a close, I shall say only a few words more. To me the bureaucracy appears to be a sit-tight club, they are in power and they wish to sit tight. Their attitude seems to be this: "Do whatever you like; we will not move; you may talk, you may pass Resolutions; all this does not worry us at all". Let me tell them that they are making the biggest mistake of their lives. They will be judged by the statesmanship which they display at this difficult moment in the history of India. It is all very well for them to imagine that there is not much force behind the movement for independence. I do not wish, at the present moment, to discuss that difficult question, but I do wish to say that you may be able to crush the movement for freedom today, you may be able to crush it tomorrow, but you may not be able to crush it for long. This is the hard fact which you ought to bear in mind, do not forget the lessons of history. Let me tell you that, if this state of affairs continues even for a short time more, there will not be a platform left for those who advocate Dominion status. The advocates of independence will sweep the board clean. It is for Government to use statesmanship at this juncture, but if they do not, history will certainly record that, at a most critical moment, they were tried and found wanting.

Sir, what I imagine is that they will move when it will be too late. I ask them, in all seriousness, to move when it is not too late. If you take up the history of India, "too late" should be written on the top of every page of that book. If the reforms, I mean the Montagu-Chelmsford Reforms, had come 25 years before their actual introduction, they would have had a very different reception and the feeling would have been different. The whole atmosphere would have changed. The Reforms came too late. So, if they move at all, as they are bound to, because the world forces will not allow them to remain stationary, let them see that they do so before it becomes too late. If they will listen to me and others like me, I assure them they will do well by Eng'and itself. If they do not show imagination, if they go on in this blundering and oscillating manner, I am afraid, there is trouble ahead for them as well as for ourselves.

Mr. Gaya Prasad Singh: Sir, at this stage, when the Finance Bill is at its third reading, I should like to offer a few observations on a topic that arises directly out of the Finance Bill. It is the subject of income-tax law and its administration. Schedule II of the Finance Bill fixes certain rates on incomes. I should like to ask my Honourable friend the Finance Member as to how the money, which was collected last year, has been

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utilised. I should like to ask the Honourable Member whether he has assured himself as to how the administration of the Income-tax Act affects the large body of assesseees all over the country. I should like to ask him whether he has cared to ascertain whether the assesseees in different parts of India have got any genuine grievance or not. In this connection, I should like to say that the administration of the Income-tax Act works very harshly against the assesseees; and the Act requires to be amended on the following lines.

Section 66 is probably the only provision enabling an assessee to approach the High Court on a question of law. As I shall show below, it is so worded that the Department, if they so choose (and they have done in more cases than one) can defeat the assessee's getting a redress from the High Court. The period of limitation for making an application under (2) is, "within one month of the passing of an order under section 31 or section 32". In practice this provision has worked very harshly. No dates are fixed by the appellate officer, that is, the Assistant Commissioner of Income-tax in the majority of cases for announcing his orders, nor is there any provision in law for informing the assessee. Very often orders are passed weeks or months after the arguments, and in the absence of the assessee. The assessee cannot be expected to dance attendance at the office, which is generally far away from his usual place of residence, for weeks and weeks. Now what happens is that, when the assessee comes to know of the passing of an order under section 31 or section 32, he has to apply for a copy thereof before he can make up his mind, and he has also to arrange for Rs. 100, the amount of fee to be deposited under the law. The new procedure adopted in furnishing copies of orders to the assessee about which I shall speak later on takes a very long time. The result is that thirty days pass by, and the assessee is left without a remedy because he cannot move the High Court in time. Section 30, sub-section (2) says that the appeal to the Assistant Commissioner shall ordinarily be presented "within thirty days of receipt of the notice of demand relating to the assessment or penalty objected to", etc. Under Section 66, sub-section (3), if the Commissioner refuses to state the case, the assessee may, "within six months from the date on which he is served with notice of the refusal", move the High Court. But, by a lamentable omission, there is no such provision in Section 66 (2), and this omission practically bars the door of the assessee in approaching the High Court.

It may be suggested perhaps that, if the Commissioner refuses to state a case on the ground of limitation, the High Court can still be moved, but the obvious construction of the Act is otherwise, and it has been so held in *I L R 6, Lahore*, page 373. In that case, it was held that, "a delay of over a month in presenting an application to the Commissioner under section 66 (2) of the Indian Income-tax Act, after the order had been passed which gave rise to that application, robs the Commissioner of all jurisdiction, and a reference by him to the High Court under the Section is therefore not competent".

Again, the question of deposit of a fee of Rs. 100, along with the application under section 66 (2) often works out inequitably. In my opinion the fee should never be demanded; or it may be demanded after the Commissioner passes an order accepting the contention of the assessee

to make a reference to the High Court on a point of law, and within one month of the date of service on the assessee of the order favourable to him.

Again, the assessee should be entitled to interest on the amount wrongly kept out of his pockets, and the rate of interest should not be left to the discretion of the Commissioner, but the Court rate of interest should be allowed to every case. As the section now stands, the Commissioner can refuse to allow any interest at all, and he has done so in a number of cases in my province.

Lastly, this section does not seem clearly to provide for a case where the Assistant Commissioner in appeal has, for instance, accepted the contention of the assessee on a point of law, and reduced the assessment accordingly, but the Commissioner, on review or revision, has restored the reduction made. Now, the assessee wants a reference to the High Court on other points, and on this new point also. But the Commissioner objects to draw up a statement to the High Court on the ground that this new point does not "arise out of such order" of the Assistant Commissioner, as is mentioned in sub-section (2) of section 66. For instance, four points of law (a), (b), (c) and (d) are involved in an appeal of the assessee before an Assistant Commissioner. The Assistant Commissioner decides points (a) and (b) in favour of the assessee, and reduces the assessment accordingly; but points (c) and (d) are decided against him. Under sub-section (2) of section 66, the assessee makes an application to the Commissioner "within one month of the passing of the order under section 31", and naturally includes points (c) and (d) only in his application asking for a reference to the High Court thereon, as points (a) and (b) have already been decided in his favour by the Assistant Commissioner. In the meantime, after the expiry of one month, the Commissioner revises the order of the Assistant Commissioner under section 33 on points (a) and (b), and holds that the Assistant Commissioner is wrong in law and cancels that order to that extent, and restores the sum reduced by the Assistant Commissioner to the assessment of the assessee. The aggrieved assessee then would naturally want a reference to the High Court, or would expect the High Court to decide on points (a) and (b) also. But the Commissioner objects that points (a) and (b) do not arise out of the order of the Assistant Commissioner, but arise out of the order of the Commissioner, and therefore cannot be touched by the High Court. Strange as it may seem, the Commissioner of Income-tax, Bihar and Orissa. . . .

(Mr. K. Ahmed made a remark, which was not heard at the Reporter's table.)

My friend knows as much of income-tax law, as a horse knows of algebra. (Laughter.) As I was saying, the Commissioner of Income-tax, Bihar and Orissa, actually raised a similar objection in a case from Monghyr. The period of one month, as prescribed in sub-section (2) of section 66, is, in my opinion, too short a period, and imposes a hardship upon the assessee. It should be raised to 90 days or thereabout.

Mr. K. Ahmed: But how will this formula help you?

Mr. Gaya Prasad Singh: I am therefore of opinion, Sir, that section 66 should be amended in the light of the above suggestions, and to remove the anomalies and iniquities pointed out above, it should be like this. Within ninety days from the date on which he is served with notice of the order under section 31 or section 32, the assessee, in respect of whom the order was passed, may, by application, require the Commissioner to

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refer to the High Court any question of law relating to the assessment, or arising out of such order or any order modifying or reversing it, and the Commissioner shall draw up a statement of the case. Necessary consequential changes will have to be made in other parts of this section in the light of the above remarks.

Another point that arises in this connection is, that no allowance is given to the assessee as a matter of right for the time taken in obtaining certified copies of the orders complained against. It is only in the case of an appeal under section 30 that a discretion is vested with the Assistant Commissioner to admit an appeal beyond time for a "sufficient cause". On the analogy of section 12 of the Limitation Act, it should be enacted that, in computing the period of limitation prescribed for an appeal or any application whatsoever under the Act, the day on which the order complained of was pronounced or made, and the time requisite for obtaining a copy of the order complained against or appealed from or sought to be revised or referred to the High Court, shall be excluded.

A further point to which I should now refer is this, that in a great many cases, no interest is paid to the assessee for the tax wrongly realised from him by an assessment which has been modified in appeal or revision. In all fairness, it should be provided that the amount of tax so refunded shall bear interest at 6 per cent. per annum, or whatever the Court rate may be. It was probably to this point that my Honourable friend, Sir Victor Sassoon, referred only the other day in the course of the general budget discussion, when he said that:

"The Department have been using their powers to call for payment from anybody and everybody, pending the result of appeal to the High Court. When a citizen wins his case, he is entitled to his money back; but he can only get interest at the sweet pleasure of the Department."

Here I may mention that a great hardship is experienced in obtaining a stay order of the tax under assessment, which is being taken to or under appeal to the High Court. No clear provision is made in the Act empowering the appellate authority to stay the realisation of the tax, pending the disposal of the appeal.

Mr. K. Ahmed: Why don't you move an amendment? That is not the fault of the Finance Member?

Mr. Gaya Prasad Singh: The system now in vogue in my Province of Bihar and Orissa for obtaining certified copies of orders of the Income-tax Department is needlessly oppressive and cumbersome, and involves great delay. When an application is made, the office assesses the amount payable; then a *chalan* is prepared and handed over to the assessee, and then the amount is deposited in the Imperial Bank, and when all that is done, the office then proceeds to prepare the copy which is handed over after great delay and difficulty. The litigants prefer the old system of supplying folios and stamps to the office, as is done in civil and criminal Courts; and this practice should be followed in the income-tax office as well. Again, the assessee used to be provided, free of cost, with a copy of the assessment, appellate and revisional orders. This practice is stopped now except in the case of assessment orders. The old system should be revived.

Too much stress cannot be laid on the most inequitable working of section 23 (4). It is bad enough that the assessment in such cases is

made to "the best of the judgment" of the income-tax officer, but to deprive the assessee of the right of appeal in such cases is most unjust.

Mr. K. Ahmed: Is that a copy of the argument which was made in the High Court?

Mr. Gaya Prasad Singh: The assessee should not be put in a worse position than one against whom an *ex parte* decree has been passed in a civil court. He should be allowed to show that on the materials, as found and stated by the income-tax officer, the order is erroneous and bad, and this appellate power should be given to the Assistant Commissioner, thus relieving the Commissioner of needless work. The right of appeal should be provided in all cases, and not fettered by the proviso in section 30, sub-section (1), or similar limitations.

There is only one point more, Sir, on which I should like to make a brief statement.

Honourable Members: Yes, go on.

Mr. President: Go on.

Mr. Gaya Prasad Singh: I now come to a somewhat astounding legal proposition propounded by the late Finance Member. On the 31st August, 1927, I asked a question in this House urging the desirability of removing the Office of the Income-tax Commissioner of Bihar and Orissa from Ranchi to Patna, which is the capital of the Province, and where legal aid is readily available. In the course of his reply, Sir Basil Blackett said as follows:

"Persons who have presented review petitions to the Commissioner, have, as a matter of fact, no legal right to be heard in person or by pleader."

This reply of Sir Basil Blackett caused somewhat of a surprise in my Province, and it was discussed in the course of a letter which was signed by two well-known counsel of Patna, Mr. K. P. Jayaswal and Mr. Manohar Lal, who have made a special study of the income-tax law. This letter was published in the *Searchlight* of 22nd July, 1928, and I cannot do better than reproduce a part of this letter.

"The view of the Government expressed therein that 'persons who have presented review petitions to the Commissioner have as a matter of fact no legal right to be heard in person or by pleader' is not only terribly inequitable, but also against the letter of the law. The proviso to section 33 which deals with the power of 'review' (i.e., revision) by the Commissioner, is clear that no order prejudicial to an assessee should be passed by the Commissioner without hearing the assessee. The actual words of the proviso are 'provided that he (the Commissioner) shall not pass any order prejudicial to the assessee without hearing him or giving him a reasonable opportunity of being heard.' It should be noted that the above passage stands as a proviso to the whole section 33. If the assessee is not granted the complete relief claimed by him in his 'review' application, the order passed is obviously prejudicial to him; while if an order is passed allowing the whole claim of the assessee, in that case (and in that case alone) it can undoubtedly be said that such an order is not an order 'prejudicial to an assessee'. It follows that under section 33, no order can be passed without hearing the assessee where an order is to grant an allowance short of the complete claim of the assessee. In other words, the Commissioner cannot dismiss an application under this section summarily, nor can he pass an order which is only partially favourable to the assessee, without hearing him.

To a layman it would appear that it must be a strange departure from the accepted principles of jurisprudence and elementary rules of common justice and fairness that the income-tax administration denies a person the right of being heard to explain his grievances, while the consequences entailed by statute are so grave as to result in the passing of an order where further relief is entirely barred."

[Mr. Gaya Prasad Singh.]

Sir, even in criminal cases, accused are given the right of being heard either in person, or by pleader at every stage of the proceedings; then why this exceptional procedure in income-tax cases?

Sir, these are some of the points to which I have briefly referred; and I hope my Honourable friend, the Finance Member, as well as my Honourable friend the Law Member will take early steps to bring about a reformation of the Income-tax Act on the lines suggested by me, so as to put it on an equitable footing, and remove the grievances of the assessee.

Several Honourable Members: The question may be now put.

Mr. President: I take it no Honourable Member desires to speak now?

The Honourable Sir George Schuster: Sir, I rise to reply at the end of what appears, on recollection, to have been a very long period of discussion, in which almost every subject that can be connected with finance has been discussed again and again. Therefore, Sir, I do not think it is necessary for me to weary this House with anything in the nature of a long speech. It was not open to me, Sir, to reply on the amendment which I moved, and there are one or two things in connection with the arguments which came from my Honourable friends on the opposite side to which I should like to make some reference. It was argued on the other side that the sum which we were seeking to restore to the revenues of the Government, by moving the amendment which I moved earlier this afternoon, was of such small dimensions that it did not justify the action which we were taking. I think, Sir, that certain misleading things have been said about that particular sum. It is quite true that I gave to this House an estimate of Rs. 65 lakhs, that might be the actual loss for this year. That was a very optimistic estimate; it is quite likely that it might have been much larger. The sum which I really have to consider is the full sum of Rs. 140 lakhs which that reduction makes in our permanent revenue. Now, Sir, it will be within the recollection of Honourable Members that, in presenting the budget, when this debate originally opened, I was unable to present a very cheerful picture of the next year's financial prospects. I argued that the picture was not quite so gloomy as the figures themselves might make it appear. But it was quite obvious that we were in a tight position. It was argued against me on the other side, that the position was much worse than I had represented, and I remember well my Honourable friend, Mr. Shanmukham Chetty, arguing that, in fact, there was a deficit, not of Rs. 90 lakhs, but of Rs. 140 lakhs, because we were making no adequate provision for redeeming the liability on the Post Office Cash Certificates. I think that picture is too pessimistic; but still, Sir, if you add a possible deficit of, let us say, 90 to 140 lakhs, to the loss of 140 lakhs on this cut on salt tax, it discloses a situation which might cause very serious difficulty. In those circumstances, Sir, I think it is fair to say that the Government could not afford to face any additional risks. I am not at all pessimistic as to the future; I hope that in the course of next year it may be possible so to adjust the expenditure and to see an improvement in trade which will bring about an improvement in general revenue, that we may have, in the following year, some margin to deal with. But it would be impossible for me to take any action which treated such a

fortunate eventuality as a certainty now. It might well have been that, if we had lost part of the salt tax revenue, we might have got into a very desperate position indeed.

Sir, the other general line of argument, to which we have listened, is that, by taking the action which we took, we were denying to the Opposition any chance of feeling a real sense of responsibility. I think, Sir, it must be admitted on all sides that the present stage of Government and of the constitution is a very difficult stage. We here on our side are responsible for carrying on the business of the country; and we cannot put that responsibility on other shoulders. We are all of us anxious to get such advantage as we can from Honourable Members on the other side, and, where we consider it consistent with the public interests, to give effect to their views. But my Honourable friend, Mr. Srinivasa Iyengar, has told us that we are not to expect help from the other side, that they are out to oppose the Government and to make things difficult for us; and in that state, Sir, it is very difficult for us to share responsibility with the other side. Moreover, however much we wish to put responsibility on the other side, we are at present confronted with this limitation, that, whatever arguments are advanced from that side in the present stage of the constitution, there is no chance of Honourable Members opposite being called upon to come over here and make good their policy. ("Hear, hear.")

Mr. Lalchand Navalrai: But when is the better constitution coming?

The Honourable Sir George Schuster: At any rate let us face the facts as they are.

Mr. S. Srinivasa Iyengar: Do not make too many promises.

The Honourable Sir George Schuster: That is the position today, and as I argued in an earlier speech in the course of this debate on the budget, it is our duty here to carry on the Government as best as we can under the present constitution; and in taking the action which we have done, in adopting an unusual course in dealing with the amendment and cut on the salt duty, we have done no more than that. Sir, I do not think that the Government could have taken a more straightforward and honest course than the course which they have taken. It was taken only after very careful consideration and I feel confident,—and we all of us feel confident,—that in taking that course the Government was acting in the best interests of the country.

Sir, I have very little more to say. We are closing a long series of discussions on these subjects. I might perhaps be allowed to end, as indeed I began, on something like a personal note. I have been taunted by my Honourable friend Mr. Rangaswami Iyengar with the number of promises which I have made, and he said it would take 10 years at least for me to make good those promises. Sir, I think if my Honourable friend will look through my speeches, he will find that I have committed myself to one promise, and that was that I would do my best to serve the interests of India while I hold this office. I did not claim, and I do not expect, to be able to achieve much, but I believe that, by following suggestions from the other side when I get them, and by paying attention to the actual administration of the country, it will be possible, at least, to carry

[Sir George Schuster.]

on the business of the country until we find that the time has come for some other form of Government. Sir, I move that the Bill be passed.

Mr. President: The question is:

"That the Indian Finance Bill, as recommended, be passed"

The Assembly divided:

AYES—50

Abdul Aziz, Khan Bahadur Mian.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys
Chalmers, Mr. T. A.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan
Dalal, Sardar Sir Bomanji
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain
Hussain Shah, Sayyed
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir

NOES—39

Acharya, Mr. M. K.
Ayyangar, Mr. K. V. Rangaswami
Chaman Lal, Diwan
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha
Dutt, Mr. Amar Nath
Dutta, Mr. Srish Chandra
Farookhi, Mr. Abdul Latif Saheb
Gulab Singh, Sardar
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. C.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangadhar.
Sinha, Mr. Siddheswar Prasad
Yusuf Imam, Mr.

The motion was adopted.

THE PUBLIC SAFETY BILL

Mr. President: Honourable Members would perhaps like to take up the Public Safety Bill now. Sir Brojendra Mitter

The Honourable Sir Brojendra Mitter (Law Member). I am entirely in the hands of the House. (An Honourable Member "We do not want it now") I regret to say that the Honourable the Home Member, on account of an attack of fever, is unable to be present to move this motion. He has requested me to express his apologies to you and to take up this duty . . .

Mr. President: And also to the House.

The Honourable Sir Brojendra Mitter: Yes, and also to the House and to take up this duty on his behalf. I move that the Bill to check the dissemination in British India from other countries of certain forms of propaganda, as reported by the Select Committee, be taken into consideration

Honourable Members, I take it, have read the report of the Select Committee. I need not take up the time of the House at any great length at this late hour, but I may generally mention that two important changes have been made by the Select Committee in deference to the criticisms and suggestions made in the House when this Bill was last discussed.

The changes are of this nature. It was suspected, or at any rate, expression was given to the suspicion, that the real object of the Bill was to hit the political and labour movements in this country. In order to meet that criticism, a change has been made in section 2 to the effect that what are intended to be hit are activities which advocate the employment of force or violence. That immediately takes all legitimate movements outside the category of this Bill. The next important change, which has been effected in deference to criticism, is about the information to be given to the persons who are to be dealt with under this measure. It was said that it was unfair and iniquitous that the man who was to be proceeded against under the Act should not know the details of the case against him. Honourable Members know that this is not a punitive measure at all, it is a preventive measure, and all that the Bill aims at is to exclude British communists from this country. That is the object of the Bill. It was said that, when action was proposed to be taken against any person under this measure he ought to know why action was being taken against him, and he should be given details and particulars of the case. In view of that criticism a change has been made in section 7 . . .

Diwan Chaman Lal (West Punjab Non-Muhammadan). I am loath to interrupt the Honourable Member. Did I understand him to say that the object of the Bill is to turn out British communists from India?

The Honourable Sir Brojendra Mitter: British communists who advocate the employment of force or violence. In view of the criticism which I have just mentioned, a change was effected by the Select Committee that, along with the removal order, the person to be proceeded against should be furnished with such details or particulars, if any, as the Bench, with the consent of the Governor General in Council, may include therein. Full details cannot obviously be given to these persons, because very often, as Honourable Members will appreciate, there may be documents in the nature of secret documents, the disclosure of which would be against public interests and would defeat the very object for which this measure is being enacted. Therefore, power has been given to the Bench to furnish such

[Sir Brojendra Mitter]

details and particulars as may safely be given. So that, in these two respects, that is to say, in limiting the operation of the Bill to persons who directly or indirectly advocate the employment of force or violence and authorising the Bench to give the persons to be proceeded against such facts and particulars of the case as may safely be given to them this Bill has been considerably improved. I feel that the whole of the criticism which the Leader of the Opposition levelled against the Bill, that it was aimed against legitimate political movements like the Congress, has been met because we are limiting the Bill to the advocacy of violence. As most of these political and labour organisations are committed to non-violence, they go outside the category of the Bill . . .

Mr. President: The Bill as introduced was aimed against the Congress?

The Honourable Sir Brojendra Mitter: No; it was suspected that it might include the Congress because the words "force or violence" were not mentioned in every section. But now these words have been inserted in every relevant section, so that there is no longer any room for suspicion. That is all I say on that point . . .

Mr. S. Srinivasa Iyengar (Madras City. Non-Muhammadian Urban): What about non-violent communists?

The Honourable Sir Brojendra Mitter: Non-violent communists will be here. They will get a safe home in India so long as they continue to be non-violent.

I need not detain the House by referring to the other slight changes here and there. Most of the changes are in the nature of drafting changes, but the two important changes I have mentioned already. Sir, I move.

Mr. M. R. Jayakar (Bombay City. Non-Muhammadian Urban): Sir, having regard to the circumstances under which the Bill comes before this House now, I think I am voicing the sentiment of a large section of this side of the House when I say that Government would be well advised in postponing the consideration of this Bill. The reasons on which I base this view are the following. The first reason, Sir, is this. The events which occurred last week prove, that the ordinary law has been found to be quite sufficient for the purpose of bringing to justice all those, who, according to the Government's statement before this House a few days ago, are concerned in communist activities of a violent character, and in subverting His Majesty's rule in this country. This one thing has been made perfectly clear, which was not clear before in the last Simla session, or when the Bill was before this House some time ago in this session, we now know clearly that the ordinary law of the land, under the Indian Penal Code, is quite sufficient for the purpose of reaching the mischief created by the infusion of communistic ideas. Therefore I think there is no particular urgency in passing this Bill in this session. The second, and perhaps a stronger reason, is that, in the course of the debate on this Bill, which is bound to be long and bitter, if not acrimonious, many statements are likely to be made on both sides of the House which may be regarded as affecting matters which are *sub judice*. Sir, without going into the merits of the disallowance of the adjournment motion, by the Governor General, I can say that the principle behind the disallowance was that, whether we willed it or not, we would be tending to refer to many matters which might affect prejudicially the merits of the trial which will take

place in the course of the next few months. On that ground, Sir, the head of the administration thought it fit to disallow the adjournment motion. On exactly the same ground, Sir, I submit, that however much we may try, this side or the other side is bound to go, while discussing the merits of the provisions of this Bill, into many matters which may reflect upon questions which are now *sub judice* and which will remain *sub judice* for many months yet. For instance, the spread of the communistic movement, its connection with the political movement of this country, the extent to which foreign money comes into this country, the necessity of all those provisions in the present Bill which give power to the Government to unpound money in the banks, the provisions, which I personally regard as drastic, for procuring information at the hands of the Secretary of the Bank and all similar questions, I say that the discussion of these matters, if it is to be free and full—and I suppose it is the wish of the Government that it should be full and free—is bound to draw into the debate many questions which, speaking as a lawyer and as a public man, it will be best to avoid in the circumstances of the country at present. We are all anxious, as I think, the Government are anxious, that nothing should be said or done in this House which is likely prejudicially to affect the impartiality or fairness of the inquiry which is going to take place.

I do not wish here to go into the merits of the policy which has brought into trouble so many young men. That is not my present purpose, nor is this the occasion for referring to that aspect of the question. My present point is very narrow, that both on the ground of expediency and on other ground, namely, that there is no particular urgency for passing this measure in this session, it will be wise to postpone this Bill till the Simla session, when it can be considered in a calmer atmosphere. Even from the Government point of view, this course is advisable, for a great many things will come to light in the course of the next trial which may support their view of things. The Government's contention is that, at the present moment, there is a widespread conspiracy in this country, that there are communistic ideas, the infusion of which is more widespread than Members on this side suspect. If the next trial proves by the evidence coming to light that, as the Government believe, there is a large spread of communistic ideas in this country, a few on this side may gladly support their measure. The Government have procured for the prosecution the best legal talent available in this country, and they ought to be content. Who knows what the public may not have to learn, in the course of the next two months' trial. It may bring to light a large number of unimpeachable facts which may support the Government point of view. Things may come to light which may indicate that the communist conspiracy in this country is of a far deeper character, its tentacles are spread much wider than the public imagine at present. I believe that it is not unlikely, on the contrary, **very probable**, that, in the course of this trial, which I am sure will be very thorough, a large amount of information will be available to the public as regards the extent of the communistic mischief in this country, the depths of this alleged conspiracy, the connection between the political and youth movement in India and the Bolshevist movement outside. All these, I submit, will go to the very root of the implications of this Bill and it may be that a few in this House, who are holding their minds free from any political bias against the Bill, will be furnished with better material for enabling them to come to a decision for or against the Bill.

[Mr M. R. Jayakar.]

in the Simla session. If the Government are at all disposed to consider the criticisms of this side—though from this morning's incidents I think that they are not so disposed—then I do assert even at this late hour on a hardworked day, that the Government will show greater wisdom in postponing the consideration of this Bill to the Simla session, when the matter can be considered in a calmer atmosphere, and with fuller facts before us.

Mr. President: I understand the Honourable Member has merely made a suggestion to the Government. I have got in my hands a notice of a motion for adjournment from Mr. Jogiah—that the consideration of the Bill be postponed pending the disposal of the case against the 31 persons filed before the Meerut magistrate under section 121A. I propose to call upon Mr. Jogiah, if the Government are not prepared to accept the suggestion made by the Honourable Member from Bombay.

The Honourable Sir Brojendra Mitter: The Government are not prepared to accept the suggestion that the consideration of the Bill be postponed, and in due course I shall state the reasons why Government have come to that decision.

Mr. President: In that case, I propose to adjourn at this stage.

Mr. S. Srinivasa Iyengar: May we have some of the documents upon which this Bill before us is based? It is impossible for us to see some of the documents.

Mr. President: You can go to the Law Member.

The Honourable Sir Brojendra Mitter: I shall state the reasons here in this House.

Mr. President: Does the Honourable Member wish to state them in his reply?

The Honourable Sir Brojendra Mitter: What I said was this. Government are not inclined to accept the suggestion that the consideration of the Bill be postponed and I shall state my reasons.

Mr. President: That is not the question raised by the Honourable Member.

The Honourable Sir Brojendra Mitter: I do not quite appreciate my Honourable friend's point.

Mr. S. Srinivasa Iyengar: It was said, and very properly said, that a disclosure of documents may be against public interests. I should like to see the documents upon which this Bill, as I understand it, is based. I should like copies of those documents circulated to Members, so that we may be in a position to make up our minds.

The Honourable Sir Brojendra Mitter: I am afraid I have not quite appreciated the nature of the documents which the Honourable Member is referring to.

Mr. S. Srinivasa Iyengar: Documents in the Meerut case.

The Honourable Sir Brojendra Mitter: We have nothing whatsoever to do with the documents in the Meerut case.

Mr. President: I think we will leave matters there at present.

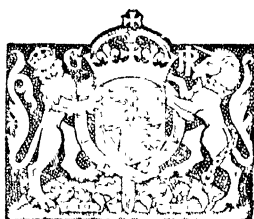
The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd April, 1929.

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 2nd APRIL, 1929.

Vol. I—No. 38

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LEGISLATIVE ASSEMBLY.

Tuesday, 2nd April, 1929

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Mr. Wilfred Thomas Mermoud Wright, C I E , M L A (Legislative Department Nominated Official)

QUESTIONS AND ANSWERS

PAY AND DUTIES OF TOWN INSPECTORS OF POST OFFICES.

1334. ***Maulvi Muhammad Yakub:** (a) Will Government be pleased to state if the Town Inspectors in first class head offices have the same duties and pay, *viz.*, Rs. 160—250 as those of the Sub-Divisional Inspectors with effect from 1st September, 1927? If so, what is the total number of such appointments in each Postal Circle?

(b) Is it a fact that there were a number of officials in various Circles on 1st September, 1927, who had passed the Inspectors' examination and were on the waiting list for that post for more than five years? If so, what was the total number of such officials in each Postal Circle?

(c) Is it a fact that, among the unpassed Town Inspectors existing on 1st September, 1927, none was eligible for promotion to the Inspectors' posts?

(d) Is it a fact that, on 1st September, 1927, promotions to the Sub-Divisional Inspectors' and equivalent posts were dependent on passing the departmental examination? If so, does this condition still hold good?

(e) Is it a fact that, in some of the Postal Circles, all these posts of Town Inspectors were given to the passed hands who were on the waiting list, but in others the claims of such officials were overlooked, notwithstanding their superiority over unpassed men as accepted? *Vide* Director-General, Posts and Telegraphs letter No E A -279/28, dated 11th February, 1928, as below.

"A clerk who had passed the departmental examination for promotion to the grade of Sub-Divisional Inspectors and Head Clerks to the Divisional Superintendents must be held to possess qualifications superior to those of an unpassed man, and should be given preference to the latter."

(f) Is it a fact that the unpassed Town Inspectors appointed to the new grade of Rs. 160—250 were given this promotion on the distinct condition that they would only be confirmed on passing the departmental examination? If so, is it a fact that now the Department is going to exempt them altogether from passing the examination, and if so, what is the justification?

The Honourable Sir Bhupendra Nath Mitra: (a) The pay of Town Inspectors of first class head offices and of Sub-Divisional Inspectors is the same. As regards duties, when Government orders were issued, revising the pay of Town Inspectors attached to first class head offices, it was prescribed that they should be required to perform all the duties laid down for Inspectors of Post Offices. A list showing the total number of such appointments in each postal circle will be supplied to the Honourable Member.

(b) The information is being collected and will be supplied to the Honourable Member.

(c) Yes

(d) Yes

(e) Yes, in this connection the Honourable Member's attention is invited to the reply given in this House by the Honourable Mr. A. C. McWatters to Mr. Siddheswar Sinha's starred questions Nos. 777, 778 and 779 on September the 21st, 1928.

(f) The facts are as stated by the Honourable Member, the reason for exempting the men from passing the examination will be found in Government letter No. 14-P T. E., dated the 2nd October, 1928, a copy of which was laid on the table of the House in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions Nos. 98 and 133 on 28th January, 1929, to which the Honourable Member's attention is invited

PAY OF UNPASSED TOWN INSPECTORS OF POST OFFICES.

1935. ***Maulvi Muhammad Yakub:** Is it a fact, when the post of a sub-postmaster in the clerical time-scale is raised to the Rs. 160—250 grade, the existing incumbent is made to vacate the office in favour of an official due for promotion to the Rs. 160—250 grade? If so, why has this principle not been applied to the similar case of the old unpassed Town Inspectors who have been retained in the post in the Rs. 160—250 grade, or are now going to be brought back to the post, after having once been completely removed from it?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. The reasons for showing special consideration to the old unpassed Town Inspectors are contained in Government letter No. 14-P T. E., dated the 2nd October, 1928, to which the Honourable Member's attention has just been drawn in my reply to his starred question No. 1334 of today's date.

PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

1936. ***Maulvi Muhammad Yakub:** Is it a fact that a number of passed men in different Circles still remain unprovided for in the Rs. 160—250 grade although they have been years and years on the waiting list, and if

so, how do Government propose now to provide for them in the Town Inspectors' grade of Rs. 160—250 and thereby remove their long standing grievances?

The Honourable Sir Bhupendra Nath Mitra: It is a fact that a number of men who have passed the departmental examination for promotion to the posts of Sub-Divisional Inspectors or Superintendents' Head Clerks are still waiting for such appointments, but they will receive appointments as vacancies occur in the posts for promotion to which they were examined. The position regarding the filling of Town Inspectors' posts has already been explained in reply to the Honourable Member's earlier questions, and Government do not propose to take the action suggested.

APPOINTMENT OF BABU B. G. KUNDU AS SUPERINTENDENT OF POST OFFICES.

1337 ***Mr. Anwar-ul-Azim:** (a) Is it a fact that at pages 21, 33, 53, 162 and 186 of the Director General's Blue List corrected up to 15th November, 1928, the name of one, Babu B. G. Kundu, appears as a Superintendent of Post Offices? Is this the same official about whose appointment I put questions in the last two sittings of the Assembly? If so, will Government be pleased to state how this official came to be a Superintendent of Post Offices?

(b) Has he passed the examination for Superintendents of Post Offices?

(c) What is the meaning of the word "provisional" shown against his name in the list?

(d) Is not his appointment as a Superintendent of Post Offices prejudicial to the interests of as many as 39 officials who have already passed the Superintendents' Examination (*Vide* pages 35—38 of the Director General's Blue List) and have long been on the waiting list?

Mr. P. G. Rogers: With the permission of the Honourable Member, I will reply to the question as a whole. Rai Sahib B. G. Kundu, about whom the Honourable Member put questions in the previous two sessions of the Assembly, is the same person whose name appears in the pages of the Blue List referred to. He has been appointed Superintendent of Post Offices in the vacancy caused by the suspension of the lien of a Superintendent who is on deputation outside India. As these arrangements are liable to be reversed on the return of the permanent incumbent, his appointment is shown as provisional for the present. In reply to the Honourable Member's starred question No. 148, dated the 6th February, 1928, the facts about the case of Rai Sahib B. G. Kundu were fully explained, and, as he is an official of unquestioned ability and efficiency, he has been exempted from passing the Departmental test as a very special case. In the ordinary course he would have been a Superintendent before the date he was actually appointed as such. Government do not therefore, think that the interests of the existing passed departmental officials have been prejudiced in any way.

GOVERNMENT ORDERS REGARDING THE APPOINTMENT OF MUHAMMADANS TO THE POST OFFICE.

1338. ***Mr. Anwar-ul-Azim:** Is it a fact that, under Government orders, one-third of the appointments in the Post Office should go to Muhammadans? Is it meant that, in vacancies, two should go invariably to

Hindus and one to a Muhammadan, irrespective of merit or seniority, and even if sufficient suitable candidates of the latter community are available? If not, do Government propose to be more explicit in their orders in this connection to the subordinate officials?

The Honourable Sir Bhupendra Nath Mitra: No such order as that mentioned by the Honourable Member in the first sentence of his question has been issued by Government. The remainder of the question accordingly does not arise.

**LENGTH OF SERVICE OF MR. GUPTA AS DEPUTY POSTMASTER-GENERAL,
DACCA**

1339. *Mr. Anwar-ul-Azim: How long has Mr Gupta been Deputy Postmaster-General at Dacca? Will Government be pleased to state how many people from Dacca have been appointed by him to positions carrying a salary of 25—300 rupees per month? What is his area of jurisdiction? Is there any objection to appointing one or two Assistant Postmasters-General and Deputy Postmaster-General from among the Moslems and Christians in Bengal?

Mr P. G. Rogers: Mr Gupta has been Deputy Postmaster-General, Dacca, since the 9th April, 1926. No appointments have been made by him. His jurisdiction extends over two Revenue Divisions, viz., Dacca and Chittagong, covering seven postal divisions. The postings of Superintendents of Post Offices as Assistant Postmasters-General, as already pointed out to the Honourable Member in reply to part (b) of his starred question No 617, dated the 19th February, 1929, are made to meet administrative requirements and not on communal considerations. The posts of Deputy Postmasters-General are filled by the promotion of suitable officers from the rank of Superintendents of Post Offices and no communal considerations arise.

**SUSPENSION OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, NORMAL SCHOOL,
AJMER.**

1340. *Mr. Anwar-ul-Azim: (a) Is it a fact that Mr Shamsul Ghani Khan, Head Master, Normal School, Ajmer, has been under suspension since 7th February, 1929? If it is a fact, will Government be pleased to state what was the charge against him?

(b) Has a charge sheet been sent to Mr. Shamsul Ghani Khan and his explanation taken? If so, will Government be pleased to put the charge sheet and the explanation on the table?

(c) Is the Superintendent of Education a competent authority to suspend Mr Shamsul Ghani Khan without the previous consent of the Local Government?

(d) Has the Superintendent of Education made any report on Mr Shamsul Ghani Khan's suspension to the Local Government, and if so, is it accompanied by Mr Shamsul Ghani Khan's explanation?

(e) Has any subsistence allowance been granted to Mr. Shamsul Ghani Khan during his suspension, and is he entitled to such subsistence allowance under the rules?

Mr. G. S. Bajpai: Inquiries have been made and the result will be communicated to the Honourable Member.

**INCREASE OF TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER, AND
DECREASE IN NUMBER OF TEACHERS AT THE MOINIA ISLAMIA HIGH
SCHOOL, AJMER.**

1341 ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, as the result of appointments made since April, 1927, there are two more trained teachers actually on duty in the Government High School, Ajmer, at present, than in April, 1927, while as the result of appointments made since April, 1927, there are two trained teachers actually on duty in the Moinia Islamia High School, Ajmer, against 5 trained teachers in April, 1927? If so, will Government be pleased to state the circumstances justifying the increase of trained teachers in the Government High School and their decrease in the Moinia Islamia High School, Ajmer?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos 1341 to 1349 together. The information asked for is being collected, and will be supplied to the Honourable Member in due course.

APPOINTMENT OF TEACHERS TO THE GOVERNMENT HIGH SCHOOL AJMER.

†1342 ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that several teachers appointed on probation or to officiate in the Government High School, Ajmer, were confirmed in the said appointments from time to time, since April, 1927, while no teacher, appointed on probation or to officiate in a clear vacancy in the Moinia Islamia High School, Ajmer, since or before April, 1927, has been confirmed in his appointment at any time since April, 1927? If so, will Government be pleased to state the circumstances which necessitated it?

PAY OF TEACHERS AT THE MOINIA ISLAMIA HIGH SCHOOL, AJMER.

†1343 ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, in place of making appointments to certain vacancies in the Moinia Islamia High School, Ajmer, in the grades sanctioned for the posts concerned, temporary appointments have been made at salaries lower than those sanctioned for the vacancies? If so, what is the reason, and do Government propose to take steps to appoint teachers at the sanctioned scales?

**RULES FOR THE CONFIRMATION OF TEACHERS IN THE GOVERNMENT HIGH
SCHOOL, AJMER.**

†1344 ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, a number of teachers of the Government High School, Ajmer, were confirmed in 1927, subject to re-consideration when the Superintendent of Education next visited Ajmer? If so, will Government be pleased to state the Fundamental Rule under which this re-consideration after confirmation is allowed, and also as to what the Superintendent of Education's decision in this connection was after the proposed visit?

**REVISION OF SALARIES OF TEACHERS OF THE MOINIA ISLAMIA HIGH SCHOOL,
AJMER.**

†1345 ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, in view of the under-payment of the staff of the Moinia Islamia High School, Ajmer, a sum of Rs. 1,000 was granted by the Government of

† For answer to this question, see answer to question No 1341.

India for the revision of the salaries of teachers, and that the sum was provided for in the budget of 1928-29 and retained in the revised budget, but not yet utilised? If so, do Government propose to take steps for the utilisation of the sum before the end of the current financial year?

LACK OF DEPARTMENTAL INSPECTION OF THE COLLEGES AND SCHOOLS AT AJMER.

†1846. ***Haji Ochaudhury Mohammad Ismail Khan:** Is it a fact that, there has been no departmental inspection of the Government College, Ajmer, the Government High School, Ajmer, Moinia Islamia High School, Ajmer, and the Normal School, Ajmer, since April, 1927? If so, will Government be pleased to state the rule or custom regarding the yearly number of departmental inspections of the said institutions, and the extent to which it was observed since April, 1927 in connection with the said institutions?

DEPARTMENTAL INSPECTION REPORTS OF THE GOVERNMENT NORMAL SCHOOL, AJMER.

†1847 ***Haji Ochaudhury Mohammad Ismail Khan:** Will Government be pleased to lay on the table the departmental inspection reports of the Government Normal School, Ajmer, since Mr. Shamsul Ghani Khan's appointment as the Head Master of the institution?

REPRESENTATION AGAINST HIS SUSPENSION BY MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1848 ***Haji Ochaudhury Mohammad Ismail Khan:** Has Mr. Shamsul Ghani Khan submitted a representation to the Local Government against his suspension? If so, will Government be pleased to state the date on which the Superintendent of Education received it and the date on which he forwarded it to the Local Government?

GRADE OF PAY OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1849. ***Haji Ochaudhury Mohammad Ismail Khan:** Is it a fact that, the Government Normal School, Ajmer, was, an institution for the training of vernacular teachers only, with 28 vernacular students under training, on the appointment of Mr. Shamsul Ghani Khan as Headmaster of that institution, in April, 1926, while it was an institution for the training of Anglo-vernacular teachers, as well as vernacular teachers, after his appointment, with 31 vernacular students under training, and 26 Anglo-vernacular teachers under training (including 7 graduates), when he left charge of the institution in February, 1929? If so, will Government be pleased to state if Mr. Shamsul Ghani Khan was given a grade higher than the grade of his predecessor in office, who was in charge only of vernacular training, or was given a personal allowance for the additional work?

† For answer to this question, see answer to question No 1341

IMPORTATION INTO AND SALE IN INDIA OF SPURIOUS AND ADULTERATED DRUGS.

1350. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state what action they have taken on the importation into and sale in India of spurious and adulterated drugs, including quinine, as reported by me at the September Session of the Legislative Assembly?

(b) Will Government please state what action they intend to take to stop this effectively, as also to require the compulsory qualification of all those who dispense drugs?

(c) Will Government please state whether they intend introducing a Food and Drugs Adulteration Act and a Pharmacy and Poisons Bill? If so, when? If not, why not?

Mr. G. S. Bajpai: (a) and first part of (b) As promised by me in my reply to part (e) of the Honourable Member's question No 774, asked on 21st September, 1928, Local Governments and Administrations were asked to report on the extent of the sale of adulterated quinine within their respective territories. All the replies are not yet in. The majority of the replies received state that there is not much adulterated quinine being sold, others express the contrary view. The Government of India, are accordingly of opinion that the first requisite is to get at the facts by means of an investigation into the general problem of the preparation and sale of medicines and drugs. They have recently asked Local Governments whether they would agree to the appointment of a small expert committee to explore and define the scope of the problem and to make recommendations.

Second part of (b) and (c). The adulteration of food-stuffs and other articles is a provincial, transferred subject, subject to legislation by the Indian Legislature as regards import and export trade. Most of the provinces have their own Food Adulteration Acts. The adequacy of provincial legislation to deal with the problem of the sale of drugs will, it is hoped, be investigated by a committee regarding the appointment of which Local Governments have been consulted. Until the scope of the problem and the effectiveness or otherwise of existing legislation to deal with it have been determined it would be premature to take up the question of all-India legislation.

The Honourable Member is probably suggesting the introduction of a Pharmacy Bill in order that power may be taken by law to restrict the exercise of the profession of chemists to duly qualified persons. Government hope that if the Committee of Inquiry to which I have referred, is appointed it will also go into this question and make recommendations. A Poison Act already exists in India—Act XII of 1919

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state when he hopes this committee will be appointed?

Mr. G. S. Bajpai: Sir, we circularised the Local Governments on the 8th of March, and we have asked them to send in their replies as early as possible. But it is impossible for me to say how long they would actually take in sending their replies. Assuming they are in by some time, shall we say, the beginning of July or August, the question of appointment of the committee will then be taken up.

Lieut.-Colonel H. A. J. Gidney: With regard to the Food Adulteration Act, which is a provincial matter, will the Honourable Member state whether it is a fact that this Act is not in operation in certain provinces, and in view of this fact, will the Government of India take necessary steps to bring this to the notice of the Local Governments?

Mr. G. S. Bajpai: I think, in my reply, I stated that it was not one Food Adulteration Act which was in force in India, but that most of the provinces have their own Food Adulteration Acts. I also went on to state that, as to whether these Acts were really operative, and if so, whether they were effective for the purpose which the Honourable Member had in view, that question could only be answered by the replies which the Local Governments were asked to submit, and possibly by the investigation which the suggested Committee might undertake. I cannot, at this stage say more

APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE EXPENDITURE INCURRED ON THE STAFF AND PERSONNEL OF ARMY HEADQUARTERS.

1351 ***Lieut.-Colonel H. A. J. Gidney:** With reference to the criticisms made during the last budget debate by various members of the Legislative Assembly in regard to the expenditure incurred on Army Headquarters staff and personnel, will Government be pleased to state if they propose to appoint a suitable committee of independent men to thoroughly investigate the matter and adjust the staff, especially the clerical branch, on a sound up-to-date business footing?

Mr. G. M. Young: The matter has already been examined by an independent expert authority in the person of Mr. Heseltine. The inquiry is being continued by a Special Officer on the lines suggested by Mr Heseltine, considerable economies have already been effected; and more are in sight

GRANT OF ENHANCED PENSION RATES TO CERTAIN MEDICAL SERVICES WITH RETROSPECTIVE EFFECT.

1352. ***Lieut.-Colonel H. A. J. Gidney:** (a) Have Government decided not to extend the enhanced present day Indian Medical Department pension, with retrospective effect from 1st April, 1919, and to grant enhanced pension rates to the India Unattached List and Indian Miscellaneous List from 1st October, 1925, and to the Indian Medical Department from 1st October, 1927?

(b) Will Government be pleased to state if they propose to grant the enhanced Indian Medical Department pension rates with retrospective effect from 1st October, 1925?

(c) If the answer to part (b) is in the negative, will Government be pleased to state the reasons and whether it is against any implied request to do so from the Secretary of State for India?

Mr. G. M. Young: (a) Yes

(b) No, Sir.

(c) The ordinary rule is that a measure of this kind takes effect from the date of sanction. The Government of India considered that there

was no reason to depart widely from this rule. The Secretary of State's sanctioning orders were dated the 12th December 1927: but, with his concurrence, effect was given from the 1st October of the same year. The answer to the last portion of this question is in the negative. The Secretary of State made no suggestion for retrospective effect, beyond what was actually granted.

Lieut.-Colonel H. A. J. Gidney: Is it a fact that the reason for this enhanced pension was the increased cost of living? If it were given on that consideration, will the Honourable Member state whether there was any difference in 1925 in the cost of living between the India Unattached List and the Indian Medical Department?

Mr. G. M. Young: I am afraid it is not possible for me, within the scope of an answer to a supplementary question, to explain the reasons for the enhancement of the rates.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state what difference did exist, to warrant the fixing of different dates for giving effect to the pensions to the I U L and I M D?

Mr. G. M. Young: The Honourable Member appears to be calling for an expression of my opinion.

Lieut.-Colonel H. A. J. Gidney: But can you give it to me?

Mr. President: Colonel Gidney.

REFUSAL OF ADMISSION TO THE BENGAL PILOT SERVICE OF MR. T R E BOILEAU.

1353 ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that apprentices, before entertainment in the Bengal Pilot Service, are asked to undergo the Board of Trade visual and physical fitness test and also are required a 2nd Mate's certificate of competency?

(b) Is it, or is it not, a fact that the Board of Trade visual test is different to that required for entertainment in Bengal Pilot Service?

(c) If the answer to part (a) is in the affirmative, are Government prepared to take steps to remove this difference?

(d) If the answer to part (b) is in the negative will Government please state why Mr T R E Boileau, who had passed the Board of Trade visual tests both in Bombay and Bengal, holds a 2nd Mate's certificate, and was examined by Colonel Sandes, I.M.S., Calcutta, and found physically and visually fit, was refused admission into the Bengal Pilot Service on July 5th, 1928, after having passed the other examinations, on the ground that a Medical Board found that there was a slight error in his left eye?

(e) Are Government prepared to reconsider the case of Mr. Boileau?

The Honourable Sir George Rainy: Inquiries are being made from the Government of Bengal and the result will be communicated to the Honourable Member in due course.

GRANT TO FOREMEN OF INDIAN ORDNANCE FACTORIES OF ASIATIC DOMICILE OF ADDITIONAL PAY GIVEN TO FOREMEN RECRUITED FROM THE UNITED KINGDOM.

1354. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government be pleased to state whether it is a fact that a technical pay was granted in 1921 to Foremen and Assistant Foremen of the Indian Ordnance Factories, who were domiciled and recruited in the United Kingdom?

(b) Is it a fact that the Royal Commission on the Superior Civil Services condemned, in their report, the principle and practice of such distinctions, and recommended that those of Asiatic domicile recruited in India, and who perform the same work as the non-Asiatic employee, should also receive this technical pay?

(c) Is it a fact that, on a representation made by the Foremen's Association, the Government of India and the Secretary of State extended this technical pay, with effect from 1st April 1928, to men recruited in India, but who have a non-Asiatic domicile? If so, why?

(d) Is it a fact that, in a letter dated the 16th January 1923, the Director General of Ordnance in India clearly stated that this "increase of pay of Rs. 75 was specifically restricted to such men as are domiciled and recruited in the United Kingdom"?

(e) Will Government be pleased to state if they propose to remove this disparity in treatment at an early date and grant the technical pay to Foremen and Assistant Foremen of both Asiatic and non-Asiatic domicile? If not, why not?

Mr. G. M. Young: (a) Men of the class referred to are given an extra Rs. 75 a month. This extra pay, however, is not technical pay, nor is it based on the nature of the work performed.

(b) The Honourable Member is correct, so far as technical pay is concerned, but, as I have stated, this allowance is not technical pay.

(c) Yes, because the important test is the place of domicile, not the place of recruitment, which is fortuitous.

(d) The answer is in the affirmative.

(e) No, Sir; because there are no grounds on which such an allowance could be justified for men who are domiciled in this country.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state since when this Rs. 75 allowance has been changed into a technical allowance?

Mr. G. M. Young: The allowance has not been changed into what the Honourable Member says.

Lieut.-Colonel H. A. J. Gidney: Has it been only recently changed?

Mr. G. M. Young: No change whatever has taken place in the nature of the allowance.

Lieut.-Colonel H. A. J. Gidney: Sir, I am prepared to state that the change . . .

Mr. President: Order, order.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether a representation was made by the Foremen's Association to the Master-General Supplies, and that, as a result of this the name "technical pay" was changed into "Overseas allowance"?

Mr. G. M. Young: I do not think, Sir, that the facts are as stated by the Honourable Member. In any case, I should have to ask for notice of a question like that.

REFUSAL OF ADMISSION OF COLOURED CHILDREN TO THE LOVEDALE LAWRENCE MILITARY SCHOOL, OOTACAMUND.

1355. *Lieut.-Colonel H. A. J. Gidney: (a) Is it a fact that none but the children, both European and Anglo-Indian, of British soldiers and parents who have been connected with the British Army, are admitted into the Lovedale Lawrence Military School at Ootacamund?

(b) Are Government aware that Anglo-Indian children of such men, unless they are of fair complexion, find it extremely difficult to obtain admission into this School?

(c) Are Government aware of the fact that this is the deliberate policy of the present Principal, Revd Padfield, and that it has existed for some time and has created a feeling of great discontent in the community?

(d) Are Government prepared to inquire into this matter and take steps to remedy this colour distinction?

Mr. G. M. Young: (a) Yes, Sir.

(b), (c) and (d) The answer is in the negative. I am informed that 30 per cent of the children in the school are Anglo-Indians, and that they are welcomed by the school authorities.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether he is aware that there is great discontent in some Anglo-Indian families in South India regarding the conduct of the Principal of this School?

Mr. G. M. Young: No, Sir.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member make inquiries into the matter, because it is a serious thing?

Mr. G. M. Young: Certainly not, Sir, on a vague allegation of this kind.

Lieut.-Colonel H. A. J. Gidney: I did not quite hear the answer, Sir.

Mr. G. M. Young: I said, certainly not on a vague allegation of this kind. If, however, the Honourable Member can produce any specific complaint, the Government would no doubt be prepared to investigate it.

Mr. K. C. Neogy: May I take it, Sir, that Indians are not eligible for admission into this school?

Mr. G. M. Young: No, Sir; I think not.

Mr. K. C. Neogy: Why, Sir?

Mr. G. M. Young: Because it was founded for European and Anglo-Indian children.

Mr. K. C. Neogy: But I thought the Anglo-Indians also are Indians (Laughter).

Diwan Ohaman Lall: May I ask the Honourable Member, Sir, whether he has read the Queen's Proclamation?

Mr. President: Colonel Gidney.

METHOD OF SELECTION OF OFFICERS FOR THE TEMPORARY BRANCH OF THE INDIAN MEDICAL SERVICE.

1356. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state by whom, and the manner in which, officers are selected for the temporary branch of the Indian Medical Service?

(b) Will Government be pleased to state whether they propose to allow the Public Service Commission to perform this duty?

Mr. G. M. Young: (a) Selection is made by the Director-General, Indian Medical Service, from among the applicants on the waiting list maintained in his office. In making selections, preference is given to those who possess the highest professional qualifications and are otherwise suitable.

(b) No, Sir

RULES SANCTIONING THE CO-OPTION OF AN ADDITIONAL MEMBER TO THE PUBLIC SERVICE COMMISSION.

1357. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that in the selection of officers for the technical branches of the Public Services, an official expert technical officer is co-opted to the Public Service Commission to guide and advise them in such selections?

(b) If the answer to part (a) is in the affirmative, will Government please state the rules sanctioning such an additional member to the Public Service Commission?

The Honourable Mr. J. Orerar: (a) No. The Public Service Commission do not co-opt a technical expert, but, in accordance with proviso (a) to rule 5 of the Public Service Commission (Functions) Rules of 1926, invite the Department for which recruitment is being made to send a representative to be present at the interview of candidates in an advisory capacity.

(b) Does not arise

Lieut.-Colonel H. A. J. Gidney: In view of the Honourable Member's reply, and the fact that the Public Service Commission does co-opt a departmental officer at the time of the interview, is it or is it not a fact that the selection is almost an one man's show? If the answer is in the affirmative, will the Honourable Member consider the advisability of these selections being reverted to the departmental heads themselves?

The Honourable Mr. J. Orerar: No, Sir; I do not think that the selection is a one man's show. The second part of the Honourable Member's question does not arise.

Lieut.-Colonel H. A. J. Gidney: Then, what is the need for introducing into that Commission an expert man for advice?

The Honourable Mr. J. Crerar: The object, Sir, of permitting an expert to sit with the Commission while they are interviewing the candidates is that they may have the benefit of his expert advice

Lieut.-Colonel H. A. J. Gidney: Will they be guided by the expert advice?

The Honourable Mr. J. Crerar: They will no doubt take into consideration his advice.

DISCONTINUANCE OF DEPARTMENTAL CONFIDENTIAL NOTES AGAINST CANDIDATES APPEARING BEFORE THE PUBLIC SERVICE COMMISSION

1358. *Lieut.-Colonel H. A. J. Gidney: (a) In the promotion of an upper subordinate to the superior services, for example, the Posts and Telegraphs, Railways, etc., is it a fact that the Public Service Commission are almost entirely guided by the confidential reports and notes made against each candidate by the head of the department concerned, and the candidates do not appear in person before the Public Service Commission?

(b) If the reply to part (a) be in the affirmative, are Government prepared to consider the advisability of discontinuing the practice of such notes, and allow each candidate to present himself before the Public Service Commission? If not, why not?

The Honourable Mr. J. Crerar: (a) In the case of promotion, the function of the Public Service Commission is, under rule 6 of the Public Service Commission (Function) Rules, to advise the Governor General in Council in respect of each candidate nominated, whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the service to which it is proposed to appoint him. For the proper exercise of this function it is necessary that due weight should be given to the confidential reports of Heads of Departments. Candidates do not ordinarily appear before the Public Service Commission, but there is nothing to prevent the Commission summoning a candidate for interview if they desire to do so

(b) No, for the reasons I have just stated

Lieut.-Colonel H. A. J. Gidney: Does the Public Services Commission pay great attention to the opinion of the departmental head submitted to it in regard to each candidate?

The Honourable Mr. J. Crerar: In each case, the opinion of the Head of the Department is communicated to the Commission

Lieut.-Colonel H. A. J. Gidney: Then, Sir, do I understand the Honourable Member to say that the decision of the Public Service Commission is entirely dependent on the recommendation of the Head of the Department?

The Honourable Mr. J. Crerar: No, but it is taken into account

Mr. A. Rangaswami Iyengar: Then, Sir, am I to take it that whenever a case is sent up to the Public Service Commission, they have to consider the recommendations of the departmental head as to how they should dispose of the particular case before them?

The Honourable Mr. J. Orerar: The opinion of the Head of the Department on the qualifications of the candidate do not amount to a direction to the Commission.

Mr. K. O. Neogy: May I know if the Honourable Member is in a position to give instances in which the Public Service Commission have turned down the recommendation or the opinion of the departmental authorities?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir; I am aware of at least one case in which the Public Service Commission were not purely guided by the recorded opinion of the Head of the Department.

Mr. Jamnadas M. Mehta: So, that is an exception only?

Lieut.-Colonel H. A. J. Gidney: One out of how many?

Mr. K. O. Neogy: Will the Honourable Member who represents Railways in this House make a similar statement (Laughter)

PERMANENT APPOINTMENT OF UPPER SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.

1359. ***Lieut.-Colonel H. A. J. Gidney:** With reference to the statement made by the Honourable Member in charge of Railways, during the discussion on Railway Demands for Grants in 1928, that he was considering means by which the railway upper subordinates officiating as officials would be made permanent, will Government please state whether the matter has been settled? If not, why not?

The Honourable Sir George Rainy: I have examined the discussions on the Railway Budget in 1928, and cannot find that I made any statement whatever on the subject of upper subordinates acting in officers' posts. Probably however my Honourable and gallant friend refers to what was said by Mr Parsons on two occasions while the Demands for Grants were under discussion. It has not yet been found possible to devise a satisfactory solution of the difficulties with which this question is surrounded, but I recognise that it has been pending for a long time and ought to be settled soon. I am asking Mr Hayman, the new Member of the Board, to give it his personal attention, so that definite decisions may be arrived at as soon as possible.

ISSUE OF A WHIP TO GOVERNMENT OFFICIALS TO SUPPORT THE *DAILY CHRONICLE*.

1360 ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state whether any whip has been issued to its officials to support financially the *Daily Chronicle* by subscribing to it and using it as an advertisement medium?

(b) If so, what are the grounds on which such a whip has been issued?

The Honourable Mr. J. Orerar: (a) The answer is in the negative.

(b) Does not arise.

Mr. Gaya Prasad Singh: May I know how many copies of this paper are subscribed for by the Home Department of the Government of India?

The Honourable Mr. J. Orerar: I have not at present any information on that subject; I must ask for notice.

Mr. Gaya Prasad Singh: Is it not a fact that the Home Department subscribe for more copies of this paper than of any other paper?

The Honourable Mr. J. Orerar: I am not aware that this is the case.

Mr. Gaya Prasad Singh: Will the Honourable Member collect this information and lay it on the table of this House at a subsequent meeting?

The Honourable Mr. J. Orerar: No, Sir.

ISSUE OF AN ORDER TO UNITS UNDER HIS COMMAND TO SUBSCRIBE TO THE DAILY CHRONICLE, DELHI, BY THE GENERAL OFFICER COMMANDING, KOHAT BRIGADE.

1361. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that General F. A. Fagan, the General Officer Commanding, Kohat Brigade, has issued a brigade order calling upon the units under his command to subscribe to the *Daily Chronicle* of Delhi?

(b) Are there any special reasons for bringing this newspaper on the approved list of Government within eight weeks of its existence?

The Honourable Mr. J. Orerar: (a) and (b). I am not aware, but I am making inquiries

Mr. Siddheswar Prasad Sinha: Will the Honourable Member lay the result of the inquiry on the table of the House?

The Honourable Mr. J. Orerar: I shall consider what the result of the inquiry is in due course

NAME OF THE PROPRIETOR OF THE DAILY CHRONICLE, DELHI.

1362. ***Mr. Siddheswar Prasad Sinha:** Will Government state the name of the proprietor of the *Daily Chronicle* of Delhi?

The Honourable Mr. J. Orerar: The Government of India have no information on the subject beyond what is available to the general public.

Mr. Siddheswar Prasad Sinha: Do Government subscribe to any copy of this paper?

The Honourable Mr. J. Orerar: I understand the Honourable Member to ask me whether the Government of India subscribe for a copy of this paper. They subscribe for a very large number of newspapers, including the particular paper in question

Mr. Siddheswar Prasad Sinha: Have not Government, then, seen the first page of this paper?

(No answer was given.)

NUMBER OF TEMPORARY AND OFFICIATING CLERKS EMPLOYED AT ARMY HEAD-QUARTERS, WHO HAVE NOT PASSED THE PUBLIC SERVICE COMMISSION EXAMINATION.

1363. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government please state the number of unpassed clerks employed in the Army Headquarters in temporary and officiating vacancies?

(b) How many of them are ex-employees of the Army Canteen Board and have been provisionally exempted from the Public Service Commission examination?

(c) How many others have been appointed without the consent of the Public Service Commission?

(d) When do Government propose to replace those who have neither passed the examination nor are ex-employees of the Canteen Board, by passed candidates now available for appointment?

Mr. G. M. Young: (a) Seventy-five, excluding the Contracts Directorate which does not recruit through the Public Service Commission.

(b) Six

(c) Sixty-nine The Public Service Commission have given their general consent to the employment of unpassed men in short leave vacancies, for which passed men are seldom immediately available

(d) Unpassed men are replaced in such vacancies by passed men whenever the latter become available.

RENT OF SHOPS IN DIAZ SQUARE, NEW DELHI

1364. *Mr. Siddheswar Prasad Sinha: (a) Is it a fact that the twelve Diaz Square shops in New Delhi occupy only as much area as six D class quarters in the Square?

(b) Is it also a fact that the cost of construction of the twelve shops is almost the same as that of six quarters?

(c) What is the rent for the twelve shops for the year—October, 1928 to September, 1929—and what rent do the Government expect to realise from the present tenants of the six quarters next to the shops for the same period?

(d) Is it a fact that the twelve shops yield about 15 times more rent than the 6 residential quarters, although the cost of construction of both is almost the same?

(e) Is it a fact that the existing shops in Diaz Square were constructed by converting some of the residential quarters into shops?

(f) Do Government propose to convert some more quarters in the same square into shops to meet the demand for more shops in the locality?

(g) Do Government propose to construct more shops on the Baird Road? If so, when?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) Yes

(c) and (d) The rent for the twelve shops for the year is Rs 10 080 and that expected to be realised from the present tenants of the six quarters is Rs 1,152 for the same period

(e) No

(f) No.

(g) No, but it is understood that the New Delhi Municipal Committee contemplate building shops on Baird Road as circumstances permit

PROVISION OF GARAGES FOR CARS OF MEMBERS OF THE INDIAN LEGISLATURE.

1365. *Mr. Srish Chandra Dutta: (a) Are Government aware that very great inconvenience and considerable risk are being caused to the Members of the Indian Legislature for want of accommodation for their motor cars?

(b) Are Government aware that there are no garages provided with the quarters and bungalows built for these Members on the Ferozshah Road and Canning Lane, although there is sufficient space available for them at the back of these quarters?

(c) Do Government propose to take steps to provide one garage for each of the quarters as soon as possible?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that a certain amount of inconvenience has been caused to Members owing to lack of sufficient garage accommodation.

(b) and (c). Yes.

INCONVENIENCE CAUSED BY BRICK DUST IN COURTYARDS OF BUNGALOWS ON FEROZSHAH ROAD.

1366. *Mr. Srish Chandra Dutta: (a) Are Government aware that the brick dust in the courtyards of bungalows on the Ferozshah Road and Canning Lane gets into the kitchen and sleeping rooms and is injurious to the health of Members residing there?

(b) Will Government be pleased to state as to how much Government save by making these courtyards of brick dust, instead of paving them with bricks? Did Government take the health of the residents into consideration while saving any money, if they did?

(c) Do Government know that these courtyards have practically worn out?

(d) Are Government prepared to give due regard to the health of Members and pave these courtyards?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) The courtyards are not made of brick dust but of *bajri*. The saving amounts to Rs 87 per courtyard. No complaints have been received as to the detrimental effect of the use of *bajri* on the health of the tenants.

(c) No.

(d) Government do not consider that the paving of these courtyards is necessary.

UNSATISFACTORY CONDITION OF ENCLOSED GARDENS OF BUNGALOWS ON FEROZSHAH ROAD AND CANNING LANE, NEW DELHI.

1367. *Mr. Srish Chandra Dutta: Are Government prepared to inquire into the condition of the enclosed gardens of the bungalows on Ferozshah Road and Canning Lane? Are Government aware that, not only is there no grass in these so-called gardens, but that they are not even levelled and were like jungles when Members occupied them? Do Government propose to put them in proper order before they are next occupied?

The Honourable Sir Bhupendra Nath Mitra: The areas referred to are not gardens but courtyards, and grass has never been planted in them. Difficulty is experienced in keeping these yards tidy, as many of them cannot be entered by the maintenance staff. Any occupant desirous of having horticultural work done in his courtyard should apply to the Superintendent, Horticultural Operations.

**NUMBER OF MUSLIMS EMPLOYED IN CERTAIN OFFICES UNDER THE
DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

1368. *Maulvi Muhammad Yakub: (1) Will Government please place on the table a statement showing the following?

- (a) The total number of clerical appointments in the Office of the Director General of Posts and Telegraphs, offices of the Postmaster-General in different Circles and offices of the Directors of Telegraph Engineering separately, together with the total number of such appointments held by Muslims in each office separately;
- (b) The total number of selection grade appointments in the above mentioned offices separately, together with the total number of such appointments held by Muslims in each office; and
- (c) The total number of Assistant Directors General and Assistant Postmasters-General in the offices concerned, separately, and the total number of investigating Inspectors in each Circle office, together with the total number of Muslims holding these posts separately in each office.

(2) Do Government find that, in any of the clerical or executive appointments mentioned in the foregoing question, the number of Muslims is disproportionately low? If so, what practical measures do Government propose to take to remove this grievance of the Muslim community?

The Honourable Sir Bhupendra Nath Mitra (1) (a), (b) and (c) A statement is being supplied to the Honourable Member separately.

(2) Communal considerations do not come into operation when it is a question of promotion or posting. As regards direct recruitment, Government are not prepared to go further than the general principle already laid down by them, that every third vacancy shall, if necessary, be utilized for the adjustment of communal inequalities.

**HOLDING OF CONTINUOUS CHARGE OF ONE POST FOR MORE THAN FIVE YEARS
BY CERTAIN POSTAL OFFICIALS.**

1369. *Maulvi Muhammad Yakub: (a) Is it a fact that there are orders to the effect that no Assistant Director General, Assistant Postmaster-General or Investigating Inspector should be allowed to hold charge of the post for more than five years in succession and should not be brought back to the post before the expiry of three years?

(b) Is it a fact that some of the officers mentioned in part (a) have been allowed to remain in the post for the last 6 or 7 years, or even more, and have not yet left the post, even for a day, though their lien may have been transferred only on paper to some other post for some time during this long period? If so, why have Government orders mentioned in part (a) not been carried out in respect of such officers?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but the rule does not apply to Assistant Directors General generally.

(b) Two Assistant Postmasters-General and three Investigating Inspectors have been allowed to remain in their present charges for a period longer than that ordinarily allowed by the rule. This has been allowed on administrative grounds. The two Assistant Postmasters-General will shortly be transferred, and steps will be taken for the transfer of the three Investigating Inspectors.

EMPLOYMENT OF MUSLIMS AS HEAD CLERKS IN POSTAL CIRCLE OFFICES.

1370. ***Maulvi Muhammad Yakub:** Is it a fact that, in some of the Circle offices there are no Muslim Head Clerks at all? If so, is it not possible to transfer into these offices well-qualified Muslim Head Clerks to Divisional Superintendents, or Muslim Inspectors, who are in the same grade as those of the Postmaster-General's Office Head Clerks?

The Honourable Sir Bhupendra Nath Mitra: Yes, but only in three Circles. Transfers of staff from the Circle cadre to the cadre of the Postmaster-General's Office can be made only in exceptional circumstances to meet exigencies of the public service.

EXPENDITURE INCURRED UNDER VARIOUS HEADS ON THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

1371. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the expenditure on the crew system, per year, per division, under the following heads:—

- (a) Pay and allowances of entire establishment including office and running staff;
- (b) Hostels; and
- (c) Uniforms, stationery, provident fund and leave reserve, etc ?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 1371 to 1378, 1380, 1381, and 1389 to 1391 together. These questions are practically identical with questions Nos 1105 to 1111 put by my Honourable friend Maulvi Muhammad Yakub on the 18th March, 1929, and I would refer the Honourable Member to the reply given by the Honourable Sir George Rainy to those questions.

DECREASE IN NUMBER OF PASSENGERS TRAVELLING IN AREAS OF RAILWAYS WHERE THE CREW SYSTEM IS EMPLOYED.

+1372. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the number of passengers who travelled on the non-crew area during the year 1927-28 as compared with the year 1926-27?

(b) Will Government please lay on the table a similar statement for the crew area?

(c) Has there been an increase of traffic on the non-crew area and decrease on the crew area during the last year? If so, what is the reason?

+ For answer to this question, see answer to question No 1371.

OBJECT OF INTRODUCING THE CREW SYSTEM OF CHECKING RAILWAY TICKETS;

†1873. ***Mr. Amar Nath Dutt:** (a) Will Government please state the object or objects of introducing the crew system?

(b) Will Government please state if the said object or objects have been fulfilled? If so, in what manner?

NUMBER OF PASSENGERS PROSECUTED FOR TRAVELLING WITHOUT TICKETS IN THE HOWRAH AND LUCKNOW DIVISIONS DURING THE OPERATION OF THE CREW SYSTEM

†1374. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the number of passengers prosecuted for travelling without tickets in the Howrah and Lucknow Divisions during the operation of the crew system?

COMPARISON OF EXCESS FARE EARNINGS IN NON-CREW AND CREW AREAS.

†1875 ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in the excess fare earnings for the year 1927-28, as compared with the earnings for the year 1926-27, in the divisions where the crew system exists?

(b) Will Government please lay on the table a similar statement for the non-crew area?

COMPARISON OF EXCESS FARE EARNINGS OF THE NON-CREW AND CREW SYSTEMS IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

†1376. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in excess fare earnings of the crews in the Lucknow Division of the East Indian Railway during the four months, June to September, 1927, as compared with the corresponding period in the year 1926, when there was no crew system?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the crews on the Lucknow Division during the said period?

IRREGULARITIES IN AREAS WHERE THE CREW SYSTEM OF CHECKING RAILWAY TICKETS IS IN FORCE.

†1377 ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the irregularities on the crew area detected by the Inspectors of Accounts (Crews) during the year 1927-28?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the said Inspectors of Accounts on the crew area in the year 1927-28?

NUMBERS OF INSPECTORS OF ACCOUNTS (CREWS) IN THE HOWRAH DIVISION DURING 1927-28.

†1878 ***Mr. Amar Nath Dutt:** Will Government please state the number of Inspectors of Accounts (Crews) in the Howrah Division during the year 1927-28?

APPOINTMENT OF SENIOR TRAVELLING TICKET INSPECTORS AS INSPECTORS OF ACCOUNTS (CREWS).

1379. ***Mr. Amar Nath Dutt:** (a) Are Government aware that, out of the thirteen Inspectors of Accounts, (Crews), in the Howrah Division only two are from the old Travelling Ticket Inspectors, and the rest, eleven, are either outsiders or belong to the other branches of the Railway?

(b) If so, will Government please state why a larger number of appointments amongst the Inspectors of Accounts, (Crews), could not be filled from amongst the senior Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but I am sending a copy of the Honourable Member's question to the Agent of the East Indian Railway for his consideration

NUMBER OF DISMISSED GOVERNMENT AND RAILWAY EMPLOYEES APPOINTED IN THE CREW DEPARTMENT.

†1380. ***Mr. Amar Nath Dutt:** (a) Will Government be pleased to state the number of dismissed Government and railway employees appointed in the Crew Department in various capacities and the number of such men still working in the said Department?

(b) Will Government please say why it is necessary to retain the services of dismissed men in the Crew Department?

SUCCESS OR OTHERWISE OF THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

†1381 ***Mr. Amar Nath Dutt:** (a) Will Government please state if the crew system has been successful in achieving satisfactory collection of tickets and there has been no loss of tickets on the area on which there exists the crew system?

(b) Will Government please lay on the table a statement showing the total number of missing tickets on the Lucknow, Howrah, Dinapore and Asansol Divisions on the East Indian Railway during the five months ending November, 1928?

(c) Is it not a fact that the collection of tickets in trains has been a failure, and tickets are collected by the running staff on gates or on platforms?

APPOINTMENT OF MR. PALMER OF THE TELEGRAPH DEPARTMENT AS CHIEF INSPECTOR (CREWS).

1382. ***Mr. Amar Nath Dutt:** (a) Will Government please state the reasons for the appointment of Mr. Palmer, an official from the Telegraph Department, as an additional Chief Inspector (Crew) on a salary of about Rs 300 per mensem?

(b) Will Government please state why this appointment was not filled by any one from amongst the senior and deserving Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but have no doubt that the Agent, with whom the appointment rests, made the best selection he could, after considering the claims of all suitable candidates.

† For answer to this question, see answer to question No. 1371

CLAIMS OF SENIOR TRAVELLING TICKET INSPECTORS TO APPOINTMENT AS INSPECTORS OF CREWS.

1383. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Accounts Department has posted Line Inspectors and Assistant Line Inspectors of Crews from amongst its own Inspectors of Accounts, and the claim of even the senior-most and deserving Travelling Ticket Inspectors has been ignored entirely?

(b) If so, will Government please state why this preferential treatment was accorded to the former?

(c) Do Government propose to restrict such preferential and differential treatment being meted out to the Travelling Ticket Inspectors?

Mr. P. R. Rau: (a) and (b) Government are unaware of any preferential treatment accorded.

(c) Government have no reason to suppose that Travelling Ticket Inspectors are subjected to unfair treatment, and cannot undertake to inquire into cases which are entirely within the competence of the Agent of the Railway

CONDITIONS FOR GRANT OF ANNUAL INCREMENT TO TRAVELLING TICKET INSPECTORS.

1384. ***Mr. Amar Nath Dutt:** (a) Is it a fact that a Travelling Ticket Inspector cannot be granted his annual increase unless his average earnings during the preceding year had been Rs. 10 per day?

(b) Are Government aware that this condition for annual increase being granted causes great hardship to the poor men, and do Government propose to do away with this restriction? If not, why not?

Mr. P. R. Rau: (a) I am informed by the Agent, East Indian Railway, that this is not the case

(b) Does not arise.

OVERWORK OF TICKET COLLECTORS IN THE SORTING OFFICE, LUCKNOW.

1385. ***Mr. Amar Nath Dutt:** (a) Are Government aware that the ticket collectors in the Sorting Office, Lucknow, are very heavily overworked and that they are seldom allowed Sundays and other gazetted holidays?

(b) Are Government aware that, on the East Indian Railway Union, Moradabad, moving the Agent, East Indian Railway on the subject of their long hours of duty and certain other grievances, the Inspector, Sorting Office, had been threatening certain men that they would be transferred to far off places such as in the Howrah Division because they had joined the Union?

(c) If not, do Government propose to inquire into the circumstances as a result of which the transfer of certain men in the above Sorting Office is under contemplation?

(d) Do Government propose to issue instructions to the Agents of the railways to prevent oppression or pressure being put on the members of the railway unions under threats or otherwise?

Mr. P. R. Rau: (a), (b) and (c). Government have no information, but are sending a copy of this question to the Agent, East Indian Railway, for such action as he may think fit to take

(d) Government have no reason to believe that any such general instructions are called for

APPOINTMENT AS CREW MEN OF TICKET COLLECTORS AND STAFF OF TICKET SORTING OFFICES.

1386. *Mr. Amar Nath Dutt: (a) Are Government aware that a number of men amongst the ticket collectors (sorting) in the Lucknow Sorting Office applied to hold charge of Crew Inspectorships, or to work as crew-men but were refused?

(b) Do Government propose to issue instructions to the effect that senior and deserving hands from amongst the staff in the ticket sorting offices and ticket collectors should be given fair chances to work as crew-men?

Mr. P. R. Rau: The answer to both parts of the question is in the negative. The matter is within the competence of the Agent

COSTLY NIPPER AND TICKET PUNCH PURCHASED FOR USE BY RAILWAY TICKET COLLECTORS.

1387. *Mr. Amar Nath Dutt: (a) Are Government aware that a costly nipper and ticket collecting punch has recently been ordered?

(b) Is it a fact that the cost of the new nipper is more than one and a half times the pay of a crew-man?

(c) Is it also a fact that the newly indented nipper is too bulky an article and cannot be placed in a pocket of ordinary size, and cannot be suspended from the belt, being too heavy?

(d) Are Government aware that the new pattern nipper has been indented for from outside India?

(e) Will Government please state why such a costly, bulky and heavy nipper had to be indented for and why it could not be got made in India?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to this and the next question together. In reply to a similar question by Maulvi Muhammad Yakub, No. 1152, on the 20th March, 1929, I have undertaken to collect the information, and a copy of the final reply that I propose to send to Maulvi Muhammad Yakub will be sent to my Honourable friend as well.

COLLECTION OF RAILWAY TICKETS AT ROADSIDE STATIONS.

†1388. ***Mr. Amar Nath Dutt:** (a) Will Government please state if it has been found possible to ensure cent per cent collection of tickets for roadside stations having a stoppage of two or three minutes of the trains, especially when the number of passengers is very great and they travel for only one or two stations, and the average strength of crew-men is 5 to 19 bogies, comprising about 40 compartments?

(b) Will Government please state the arrangements made for the refund of "token" surrendered below destination?

† For answer to this question, see answer to question No. 1387

(c) Do Government propose to make adequate arrangements for the collection of tickets at gates, by providing a sufficient number of ticket collecting staff?

NON-APPOINTMENT OF TRAVELLING TICKET INSPECTORS TO THE CREW DEPARTMENT.

†1889. ***Mr. Amar Nath Dutt:** (a) Will Government please state on what basis the opinion that the old Ticket Inspectors were not qualified for higher grade posts in the Crew Department was framed?

(b) Is it a fact that, when the crew system was introduced in the Howrah Division, the following from the Travelling Ticket Inspectors establishment were taken on loan to start with?

- 1 Mr. Bhagat Ram, Divisional Inspector, T T Is to work as A D S (Crews.)
- 2 Mr. Judgeali, Divisional Inspector, T T Is, to work as Chief Inspector
- 3 Mr. Shukirah, Travelling Ticket Inspector, to work as Station Inspector
4. Mr. H S. Gardeber, Travelling Ticket Inspector, to work as Station Inspector.
5. Mr. Wala Razvi, Travelling Ticket Inspector, to work as Station Inspector.
- 6 Mr. Beyman, Travelling Ticket Inspector, to work as Station Inspector.
- 7 Mr. Balbirsingh, Travelling Ticket Inspector, to work as Station Inspector.

(c) Is it a fact that most of the Travelling Ticket Inspectors had rendered meritorious services in different capacities on different occasions on the Railway, and before confirmation as Travelling Ticket Inspectors, had undergone selection by Stationmasters, Divisional Superintendents and Deputy Chief Accounts Officers?

EARNINGS OF TRAVELLING TICKET INSPECTORS.

†1890 ***Mr. Amar Nath Dutt:** Is it a fact that the earnings of the Travelling Ticket Inspectors used to cover all the expenditure of their establishment, that is, cost of their maintenance, establishment, uniforms, stationery, provident fund, bonus, gratuity, leave reserve and allowances, etc., besides effecting savings of several thousands of rupees?

NUMBERS OF TRAVELLING TICKET INSPECTORS AND NUMBERS OF CREW MEN DEALT WITH FOR VARIOUS OFFENCES.

†1891. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the services of the Travelling Ticket Inspectors now working under crew have been found satisfactory throughout, so far as efficiency is concerned? If not, will Government please lay on the table a statement showing the number of Travelling Ticket Inspectors dealt with departmentally or otherwise, for

† For answer to this question, see answer to question No. 1371.

(1) accepting illegal gratification, (2) misappropriation of money, (3) travelling without a ticket, (4) selling or re-using used tickets, (5) absconding with Government property, (6) assaulting passengers, (7) robbing passengers of their money and property (8) attempting to commit rape, etc.†

(b) Will Government please lay on the table a similar statement in the case of crew-men?

(c) Will Government please lay on the table a further statement showing the crew-men dealt with judicially for offences under the Railway Act, and sections 372, 352, 379, 426, 342, 354, 427, 323, 504, 120 and 101 of the Indian Penal Code?

(d) Will Government please say how many of the convicted men are still working as crew-men?

CONFLICTING STATEMENTS ABOUT RAILWAY EARNINGS.

1392. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Mr. Parsons stated in the Public Accounts Committee, held in August, 1928, that there had been an increase in the railway earnings, but the Agent, East Indian Railway, in the meeting of the Advisory Committee, held on 30th November, 1928, stated that 3,000,000 less passengers had actually travelled?

(b) Will Government please state whether both or which of these two statements is correct?

Mr. P. R. Rau: I would refer the Honourable Member to the reply I gave to the same question put by the Honourable the Deputy President on the 18th March, 1919

EARNINGS AND SAVINGS EFFECTED BY THE INTRODUCTION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1393. ***Mr. Amar Nath Dutt:** Will Government be pleased to state the amount of earnings and savings effected by the introduction of the Crew System over the East Indian Railway?

Mr. P. R. Rau: Passenger earnings are affected by so many and so various causes that it is practically impossible to calculate exactly the amount of earnings and savings effected by the introduction of the Crew System. Such information as is available in the East Indian Railway will no doubt be incorporated in the report that the Agent has been asked to supply regarding the working of the Crew System which it is proposed to place on the table of the House on receipt.

GRANT OF FREE QUARTERS TO TRAVELLING TICKET INSPECTORS.

1394. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Travelling Ticket Inspectors are not provided with free quarters, nor are they allowed any house-rent in lieu thereof?

(b) Do Government propose to grant them the benefit of free accommodation, in view of their outdoor duties? If not, why not?

Mr. P. R. Rau: Government have no information on this matter, but their present policy is that rent should ordinarily be charged for all quarters, except those for menial staff. This policy was accepted by the Standing Finance Committee for Railways in 1926

AIMS AND OBJECTS OF WELFARE COMMITTEES STARTED BY THE RAILWAY AUTHORITIES.

1395. *Mr. Amar Nath Dutt: (a) Will Government please lay on the table the aims and objects of the welfare committees started by the railway authorities?

(b) Will Government please say if any action is taken on the proposals and grievances put forward by the members of these welfare committees in the meetings of the said committees? If so, will Government please lay on the table a statement showing the proposals and grievances brought forward by the members, and the action taken by the authorities?

Mr. P. R. Rau: (a) The general purpose of these welfare committees is to improve the relations between the staff and the management, by providing regular and constitutional opportunities for the discussion of grievances, conditions of service and matters appertaining to the welfare of the staff generally.

(b) Yes. As an example, I might say that information received from the Agent, Bombay, Baroda and Central India Railway, shows that 65 meetings of District Staff Committees were held on that Railway during 1927-28, at which 648 cases were brought up for discussion, and that in 438 of these, the proposals were accepted. These Committees deal with a very great variety of subjects, and it will be seen from the above example that a compilation embodying the proposals, etc., on all railways would be a task of great magnitude, and I am afraid the labour involved would be out of all proportion to the value of the result.

OBJECT OF ESTABLISHING WELFARE COMMITTEES ON RAILWAYS.

1396 *Mr. Amar Nath Dutt: (a) Will Government please say why welfare committees have at all been established on the railways when there are employees' unions and associations duly registered under the Indian Trade Unions Act?

(b) Is it the intention of the railway authorities, by establishing these welfare committees, to crush the trade union movement and the legally formed trade unions?

Mr. P. R. Rau: (a) Government do not consider that the existence of employees' unions and associations renders welfare committees superfluous.

(b) Not at all.

GRANT OF FREE TRAVEL PASSES TO OFFICE-BEARERS OF TRADE UNIONS ATTENDING MEETINGS.

1397. *Mr. Amar Nath Dutt: Will Government be pleased to state whether the Agents of railways are instructed to grant the requisite facilities for organisation purposes, viz., free card passes to the office-bearers of the unions and free special passes and special leave to the members of the unions to attend their meetings as is done in the case of welfare committees? If not, why not?

Mr. P. R. Rau: Welfare Committees are domestic organisations of a railway administration and are composed of members of the staff only. They assist the administration by discussing and putting forward proposals

relating to the general amenities, grievances and conditions of employment of all employees of the Railway, and are in effect a part of the administrative machinery of the Railway and as such stand on a special footing. Trade unions cannot be regarded in the same light as they are independent organisations under independent control, with funds of their own.

DIFFERENTIAL TREATMENT IN THE SUPPLY OF CINDERS TO ANGLO-INDIAN AND INDIAN RAILWAY EMPLOYEES AT MORADABAD.

1398. *Mr. Amar Nath Dutt: (a) Are Government aware that the Divisional Superintendent, Moradabad, has issued a circular, No 48-P. of 1929, dated 27th February, 1929, regarding the sale of cinders?

(b) Are Government aware that in the said circular the Divisional Superintendent has fixed the scale of cinders to be sold to European and Anglo-Indian employees at three maunds at any one issue, whereas for the Indian employees only two maunds?

(c) If so, will Government please state the reasons for this differential treatment in the supply of cinders?

(d) Are Government prepared to inquire into the circumstances, as a result of which two different scales of supplies have been fixed, and this racial discrimination maintained, when the Government has, all along, been saying that there was no racial discrimination?

(e) Do Government propose to issue clear and distinct instructions to the Agents of the railways against such racial discrimination being maintained?

Mr. P. R. Rau: Government have no information. I am making inquiries from the Agent, East Indian Railway and will communicate with the Honourable Member later.

APPOINTMENT OF TWO NON-INDIANS AS TRAFFIC INSPECTORS IN THE MORADABAD DIVISION.

1399 *Mr. Amar Nath Dutt: (a) Are Government aware that, in the Moradabad Division, two vacancies amongst the Traffic Inspectors fell vacant, but both of them were filled in by non-Indian employees, one by Mr T. K. Railley, who was once declared unfit for the job of even an Assistant Station Master, and is a dismissed hand and the other by Mr. Pains. Guard?

(b) Will Government please state the circumstances under which no Indian could be appointed to any of these two posts?

Mr. P. R. Rau: I am making inquiries from the Agent and will communicate with the Honourable Member on receipt of his reply.

FREQUENT TRANSFERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

1400. *Mr. V. V. Joglah: (a) Will Government be pleased to state whether it is a fact that service associations have had occasion to protest against the procedure adopted by the Postmaster-General, Punjab and North-West Frontier Circle, in the matter of transfers?

(b) Will Government be pleased to furnish the House with a statement, showing the number of transfers made within the Circle, during the last two years?

(c) Do Government propose to institute an inquiry with regard to the transfers in the Punjab Circle with a view to the abolition of frequent transfers?

The Honourable Sir Bhupendra Nath Mitra: Government have no information on the number of transfers in the Punjab Circle during the past two years. The matter is entirely within the competence of the Postmaster-General and Government do not consider that any public purpose would be served by collecting the statistics asked for. A copy of the question will, however, be sent to the Postmaster-General, Punjab, for necessary action with reference to the suggestion that there is an excessive number of transfers in that Circle.

RE-APPOINTMENT TO THE PUNJAB POSTAL CIRCLE OF MEN DEMOBILIZED FROM THE NORTH-WEST FRONTIER FIELD FORCE.

1401. ***Mr. V. V. Jogiah:** (a) Is it a fact that Government held out an assurance that they would bring such men as had been attached to the Punjab Circle to the Circle again on demobilization of the North-West Frontier Field Force?

(b) How long have such men awaited re-transfers and when do Government propose giving effect to their assurance?

The Honourable Sir Bhupendra Nath Mitra: (a) If the Honourable Member refers to the case of telegraphists who were deputed on field service to Waziristan from different circles, but who are now serving in the Punjab and North West Frontier Circle, the answer is that no definite assurance is traceable, but the intention of Government is as suggested by the Honourable Member.

(b) I have not complete figures and the matter is under examination. A number of men have already been retransferred to their respective circles and the remainder will be retransferred as opportunities occur.

RATE OF HOUSE-RENT ALLOWANCE AND CONDITIONS OF GRANT OF FREE QUARTERS FOR THE STAFF OF THE TELEGRAPH OFFICE, NEW DELHI.

1402. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state the rate of house-rent allowance fixed for Deputy Superintendents, Telegraph Masters and telegraphists respectively at New Delhi?

(b) Will Government be pleased to state what specific conditions were imposed in each such case when the grant of rent-free quarters was made to the said officers?

(c) Are bachelors and married men treated alike in the matter of the grant and conditions relating to quarters? If not, what are the differing conditions in each case?

(d) Is it a fact, with regard to quarters, that a married telegraphist gets quarters and other considerations similar to those assigned to two bachelor Telegraphists?

(e) Will Government be pleased to state whether a married telegraphist, namely, man and wife, are treated with regard to accommodation under the rules exactly like those having children? If not, what are the extra provisions made for them?

(f) Are Government aware of the fact that married telegraphists with children are put to the necessity of utilizing bathrooms as bedrooms?

(g) Are dining-rooms provided in each such set of quarters? If not, will Government be pleased to state reasons for not providing them?

(h) Is there an adequate provision for servants' lodgings made for each set of quarters?

(i) Will Government be pleased to state whether unfiltered water is supplied to these quarters free of cost, as in the case of other Government servants?

(j) Will Government be pleased to state whether they are fully satisfied that each class of officials gets a due share of comforts and accommodation for the rent charged as borne out by the rent ratio?

(k) Are Government prepared to consider the question of instituting an enquiry into the matter of housing accommodation generally?

The Honourable Sir Bhupendra Nath Mitra: (a) The staff mentioned do not receive house-rent allowances as all are provided with quarters at New Delhi

(b) None, apart from those universally applied in connection with the payment of rates and taxes and the rent of service installations

(c) Yes, except that additional accommodation is given to married men below the rank of Deputy Superintendent

(d) Yes

(e) No distinction is made in respect of the free accommodation allotted between married men with and without children. Persons, the size of whose family demands extra accommodation, are required to rent it at moderate rates

(f) Government have no reason to believe that the case is as stated.

(g) A common mess room is provided for telegraphists without family. Quarters on the married scale have a dining room.

(h) Servants' quarters are not provided.

(i) Unfiltered water is supplied free for the upkeep of gardens and not to individual quarters

(j) The quarters are rent-free and on an adequate scale for each class. Rent is only charged for excess accommodation supplied and on service installations under the Fundamental Rules.

(k) Government do not consider any inquiry necessary.

PERMANENT APPOINTMENT OF A SEASON INSPECTOR OF PEONS AT NEW DELHI.

1403. Mr. V. V. Jogiah: With reference to the reply of the Honourable Member in charge of the Department of Industries and Labour to unstarred question No. 25-A. (1), answered in the Assembly on the 31st January of 1927, regarding the appointment of a season Inspector of Peons in New Delhi, will Government be pleased to state the reasons for not making this appointment a permanent one?

The Honourable Sir Bhupendra Nath Mitra: The reason is that the delivery work of the New Delhi Telegraph Office during the summer months does not justify the appointment of an Inspector of Peons.

**NUMBER OF MUSLIM ENGINEERS, ETC., IN THE DELHI PUBLIC WORKS
DEPARTMENT PROMOTED LAST YEAR.**

1404. *Mr. Anwar-ul-Azim: 1. Is it a fact that in the Delhi Public Works Department the following are the code words for single and double annual increments?

- (a) Recommended in turn, (for single increment),
- (b) Recommended strongly (for double increment).

2 Will Government be pleased to state the number of Muslim engineers, subordinates, clerks, and draftsmen, who were given single promotion last year on the strong recommendation of their superiors?

The Honourable Sir Bhupendra Nath Mitra: 1 These are not exactly code words, but are terms used by officers in making their recommendations for the consideration of superior authorities. The expression "recommended in turn" implies the opinion that increments should be given in the normal course; the term "strongly recommended" may or may not be coupled with a recommendation that one or more premature increments be granted.

2. Two subordinates, three clerks and four draftsmen.

**AMOUNT OF ANNUAL INCREMENT SANCTIONED LAST YEAR FOR CLERKS IN THE
DELHI PUBLIC WORKS DEPARTMENT.**

1405. *Mr. Anwar-ul-Azim: (a) Will Government be pleased to state the amount of annual increment (per month) sanctioned last year for clerks of the Delhi Public Works Department?

(b) What was the number of clerks who were given annual increments last year in the Public Works Department in Delhi?

(c) What was the amount of annual increment sanctioned last year for subordinates of the Delhi Public Works Department?

(d) What was the number of subordinates who were given annual increments last year in the Delhi Public Works Department?

(e) What was the amount of annual increment sanctioned last year for draftsmen of the Delhi Public Works Department? *

(f) What was the number of draftsmen who were given annual increments last year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Rates of increment last year, as in other years, were Rs. 3, 4, 5, 8 and 10.

(b) 143,

(c) Rs. 7, 10 and 20,

(d) 92,

(e) Rs. 3, 4, 5, 8, 10, 20 and 30,

(f) 77

NON-PROMOTION OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1406. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that the Superintendents in the Central Public Works Department Office, Delhi, are non-Muslims?

(b) Is it a fact that the petitions from Musalmans for appointments, and promotions are not put up by the office to the Chief Engineer, Delhi, on the existence of vacancies?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) No

WORKS TO BE CARRIED OUT THIS YEAR BY THE PUBLIC WORKS DEPARTMENT, DELHI.

1407. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state the name and the estimated amount of the works to be carried out this year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to pages 491 and 822-830 of the volume containing the Demands for Grants for 1929-30 where he will find a list of works to be carried out by the Delhi Public Works Department in the current year, together with the estimated amount of the expenditure proposed

RETENTION OF EUROPEAN ENGINEERS AND ARCHITECTS IN THE PUBLIC WORKS DEPARTMENT, DELHI, ON REDUCED PAY.

1408. ***Mr. Anwar-ul-Azim:** Is it a fact that some European engineers and architects have been compelled to accept reduced pay in the Delhi Public Works Department or to give up their appointments? If so, why?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. As regards the second part, owing to the approaching completion of the construction of the New Capital, it is considered that the reasons for which special rates of pay were previously granted have ceased to exist.

NUMBERS OF MUSLIMS AND NON-MUSLIMS DRAWING SPECIAL PAY IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1409. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the number of non-Muslims and Muslims getting special pay in the Delhi Public Works Department?

(b) What is the respective amount of special pay drawn by non-Muslims and Muslims in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Non-Muslims 29, Muslims 5

(b) Non-Muslims Rs 4, 5, 8, 15, 25, 30, 50, 75, 100, 150, 250 and 300
Muslims Rs 4, 5, and 8.

EXCESSIVE COST OF MAINTENANCE OF THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

1410. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that the cost of maintenance of the Posts and Telegraphs Account and Audit Department is excessive, and whether steps are being taken to reduce the expenditure?

(b) Is it a fact that special pay is granted at Rs. 150 per mensem to the Personal Assistant to the Accountant General, Posts and Telegraphs, and at Rs. 50 per mensem, per head, to senior accountants and senior auditors in the Central Office and expatriation allowances at Rs. 50 per mensem to the accountants attached to the offices other than those in which they were originally recruited, whereas such allowances, at such high rates, are not sanctioned for the staff attached to the offices of the Accountants General in other provinces or departments?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 1410, 1411, 1415 and 1416 together.

Inquiries are being made and replies will be sent to the Honourable Member in due course

NEGLECT OF THE CLAIMS OF MUSLIMS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

†1411. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that no Muslim has been granted an advance increment since the introduction of the system in the Posts and Telegraphs Account Department?

(b) Is it a fact that all posts carrying special pay in the Posts and Telegraphs Account Department are being held by non-Muslims?

(c) Is it a fact that all posts of distinction in clerical service such as head clerkship of records and establishment clerkships, etc., are held by junior non-Muslim clerks ignoring the claims of senior Muslims in the respective offices?

NUMBERS OF MUSLIMS APPOINTED IN PAY AND ACCOUNTS OFFICES.

1412. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, brought into effect under Mr. Raja Gopalan, special officer, Finance Department, several Pay and Accounts Offices have been established?

(b) If so, will Government furnish a statement showing the total number of posts of gazetted officers, other than members of the Indian Accounts and Audit Service, Subordinate Accounts Service, and clerical establishment, sanctioned for each Pay and Accounts Office separately, and the number of appointments filled in by Muslims under each grade and each office?

The Honourable Sir George Schuster: (a) Yes

(b) The information is being collected and will be furnished to the Honourable Member as soon as it is ready

APPOINTMENT OF MUSLIMS AS TREASURY OFFICERS IN THE UNITED PROVINCES.

1413. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, the posts of Treasury Officers in the United Provinces held by the provincial Deputy Collectors, have been and are being offered to the members of the Subordinate Accounts Service?

† For answer to this question, see answer to question No. 1410.

(b) If so, will Government be pleased to furnish a statement showing the total number of such posts and the number of posts filled in by Muslims, and the number of posts held by the provincial Muslim officers before the introduction of the scheme?

(c) Will Government be pleased to state whether Muslim members of the Subordinate Accounts Service are not available from other Accounts and Audit Offices, in case the representation of Muslims is insignificant in the new posts?

(d) Have some probationary accountants been appointed under the Director of Audit, United Provinces, in place of accountants appointed in charge of treasury? If so, what is their number and how many of them are Muslims?

The Honourable Sir George Schuster: (a), (b) and (c) The recruitment of the Treasury Officers concerned is a matter which concerns the Government of the United Provinces, and the Government of India have no information on the subject.

(d) Inquiry is being made and a further answer will be sent to the Honourable Member as soon as possible

APPOINTMENT OF MUSLIMS TO THE NEWLY CREATED POSTS OF ASSISTANT ACCOUNTS OFFICER, SENIOR ACCOUNTANT, ETC.

1414. *Mr. Anwar-ul-Azim: Is it a fact that the newly created posts of assistant accounts officers, senior accountants, accountants, and auditors sanctioned under the scheme of separation of Accounts and Audit, have been filled in by transfer of experienced officers from other accounts offices? If so, have the claims of Muslims been duly considered in making such transfers?

The Honourable Sir George Schuster: Some of the newly created posts have been filled by men transferred from other Accounts Offices. In selecting those to be transferred the primary consideration was their qualification for the posts, and communal considerations were not taken into account.

EXPENDITURE INCURRED BY TRANSFER OF ACCOUNTANTS FROM DELHI TO NAGPUR AND CALCUTTA.

†1415. **Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that several local accountants and senior accountants were transferred from the Posts and Telegraphs Audit Office, Delhi, to Nagpur and Calcutta, retaining several Madrasi accountants in the Delhi office during the year 1927 and 1928, with the result that Government had to bear the cost of expatriation allowance at the rate of Rs. 50 *per mensem* for each accountant, as well as the cost of family travelling allowance allowed to the accountants so transferred from the offices in which they were originally recruited for public service?

(b) If the answer to part (a) is in affirmative, were the above arrangements based on any administrative grounds? Is it a fact that some of the local accountants and senior accountants referred to in part (a) have been or are being retransferred to Delhi in place of Madrasi accountants allowing them to draw family travelling allowance again?

† For answer to this question, see answer to question No. 1410.

(c) If the reply to part (b) is in affirmative, will Government be pleased to state the circumstances in which these retransfers have been made within such a short period, entailing expenditure to the State in the form of family travelling allowance to the officer concerned?

(d) If the transfers of accountants referred to in part (c) were not based on valid grounds, are Government prepared to take disciplinary action against the official responsible for such transfers in the first instance from Delhi to out station? In case there was justification, are Government prepared to take suitable notice against the official who sanctioned such retransfer?

TOTAL COST OF CODES REVISED IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†1416 ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the total cost of the codes revised in the Office of the Accountant General, Posts and Telegraphs, under the supervision of Mr. S. P. Verma, special officer, together with the cost of forms revised in the supervision of an Assistant Accounts officer attached to the Office of the Accountant General, Posts and Telegraphs, Delhi?

(b) Will Government please state the total number of pages contained in the codes revised by Mr. S. P. Verma in the Office of the Accountant General, Posts and Telegraphs?

INCONVENIENT TIMINGS OF TRAINS TO DELHI FOR PASSENGERS ARRIVING AT SEALDAH BY THE CHITTAGONG MAIL.

1417. ***Mr. Srish Chandra Dutta:** (a) Are Government aware that passengers arriving at Sealdah by the Chittagong Mail of the Eastern Bengal Railway cannot catch any of the trains for Delhi immediately, and are detained in Calcutta for about 18 hours?

(b) Are Government prepared to order the alteration of the time of departure from Sealdah of No. 18 Up Sealdah-Delhi Express train so that passengers by the Chittagong Mail may avail themselves of the train for Delhi immediately on their arrival at Sealdah?

Mr. P. R. Rau: (a) Yes, but I understand passengers by the Chittagong Mail, who wish to proceed towards Delhi, can effect a convenient connection by changing at Naihati instead.

(b) I am afraid it is not possible for Government to take any part in the preparation of time tables, but I will send a copy of the Honourable Member's question and of my answer to the Agent of the East Indian Railway so that he may consider the point raised.

INCONVENIENCE CAUSED BY THE STOPPAGE OF BOAT TRAFFIC UNDER THE BRIDGES CONSTRUCTED ON THE KARIMGANJ-LANGAI VALLEY RAILWAY.

1418. ***Mr. Srish Chandra Dutta:** (a) Are Government aware of the very serious inconveniences caused to the public at large, and especially tea garden proprietors by the stoppage of all boat traffic under the bridges constructed on the Karimganj-Langai Valley Railway during the last flood

† For answer to this question, see answer to question No. 1410.

and the heavy damage caused to paddy and other crops by flood on account of the very inadequate number of waterways on the said Railway?

(b) Are Government aware that several memorials were submitted to the authorities by the local people for speedy removal of those inconveniences?

(c) What steps do Government propose to take for giving relief to the people concerned in these matters?

Mr. P. R. Rau: (a) Government are not aware of the inconveniences referred to or the damage mentioned.

Before commencement of construction, the question of waterways to be provided was referred to a special Committee on which the Local Government was represented, and bridges have been constructed according to the proposals of that Committee.

(b) No, but some petitions were received before the bridges were built

(c) The Honourable Member's question is being referred to the Agent of the Assam Bengal Railway, on receipt of whose reply full information will be given to the Honourable Member

HIGH RATE OF FARES ON THE HABIGANJ-SHAISTHAGANJ RAILWAY.

1419. ***Mr. Srish Chandra Dutta:** (a) What is the rate of third and intermediate class fares per mile on the Assam Bengal Railway and the Habiganj-Shaisthaganj Railway?

(b) If there be any difference in the fares of those two railways, will Government be pleased to state the reason for such unequal rates of fares?

(c) Are Government aware that much hardship is keenly felt by the public owing to the maintaining of a very high rate of fares on the Habiganj-Shaisthaganj Railway, and do Government propose to take early steps for a reduction of the same?

Mr. P. R. Rau: (a) The rate of third class fares on the Habiganj-Shaisthaganj Railway is $4\frac{1}{2}$ pies per mile as compared with four pies on the main line of the Assam-Bengal Railway. The rate of intermediate class fares is the same on both lines, *viz.*, five pies per mile

(b) I understand the higher rate for third class fares was sanctioned in order to obtain a reasonable return on the capital expenditure.

(c) Government do not think that much hardship can be caused to the public on account of an extra half a pie per mile when it is remembered that the total distance of the branch is only eight miles. Moreover, before the opening of the Railway, the passenger fare by motor from Shaisthaganj to Habiganj was annas 12, whereas the third class fare by rail is now only annas three. A reduction in fares will be considered when the traffic develops sufficiently to justify it.

POPULATIONS OF MUSLIMS AND NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

1420. **Maulvi Sayyid Murtuza Saheb Bahadur:** With reference to the last census statistics of the North-West Frontier Province, will Government be pleased to state the actual populations of the Muslims and Non-Muslims in that Province?

Sir Denys Bray: The figures for the five districts, which constitute the North-West Frontier Province proper are:

Muslims	..	..	..	..	2,062,786
Non-Muslims	..	..	..	..	188,554

LOW PERCENTAGE OF MUSLIMS EMPLOYED IN MINISTERIAL APPOINTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

1421. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Are Government aware that:

- (a) the Non-Muslim community enjoys preponderance in, and monopoly of, ministerial appointments in the North-West Frontier Province, and that the percentage of Muslims in that service is remarkably low, and
- (b) all ministerial appointments, carrying high pay and decent position, are monopolized by the non-Muslim element?

Sir Denys Bray: With your leave, Sir, I shall answer questions Nos. 1421—25, 1428—29 and 1431 together. The Local Administration has been consulted and I shall furnish the Honourable Member with answers as soon as I have collected the material.

REPRESENTATION FROM MUSLIMS OF PESHAWAR FOR DISCONTINUANCE OF RECRUITMENT OF NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

†1422 ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the masses of unemployed educated Muslims of Peshawar submitted a representation to the Honourable the Chief Commissioner, North-West Frontier Province, through the Muslim Association, Peshawar, on the 16th August, 1925, requesting the discontinuance of recruitment of non-Muslims to the ministerial establishment in the Province? If so, what action was taken on the representation?

FIXATION OF A MINIMUM PERCENTAGE OF MUSLIMS TO BE APPOINTED TO MINISTERIAL SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

†1423 ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that memorials had been submitted by the gentry of Kohat and Peshawar Districts to the Honourable the Chief Commissioner, in November, 1925, requesting the fixation of a proportion in the ministerial service in the Province, and, that in reply to a provincial address, the Honourable the Chief Commissioner stated in November, 1925, that he had contemplated the issue of some orders fixing a minimum and a maximum percentage of recruitment in the Province?

PERCENTAGE OF MUSLIMS RECRUITED TO CLERICAL SERVICES IN BOMBAY, MADRAS AND THE PUNJAB.

†1424. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the Honourable the Chief Commissioner had been supplied by Local Associations with copies of orders issued by the Bombay, Madras, and Punjab Governments fixing a percentage of recruitment in the clerical establishment in their respective Provinces?

† For answer to this question, see answer to question No. 1421.

**PROPORTION OF MUSLIMS RECRUITED TO THE CHIEF COMMISSIONER'S OFFICE,
NORTH-WEST FRONTIER PROVINCE.**

1425. *Maulvi Sayyid Murtuza Saheb Bahadur: Will Government please state in what proportion Muslims are recruited at present in the Chief Commissioner's Office, and other civil offices in the North-West Frontier Province, and on what basis has the proportion been fixed?

**PERCENTAGE OF MUSLIMS RECRUITED TO THE POLICE DEPARTMENT OF THE
NORTH-WEST FRONTIER PROVINCE.**

1426. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that a few years ago, the Honourable the Chief Commissioner of the North West Frontier Province had fixed 83 per cent. recruitment of non-Muslims in the Police Department of the Province?

(b) If so, will Government be pleased to state

(i) the basis on which the percentage was fixed;

(ii) the special reasons which necessitated the fixation of the percentage mentioned above; and

(iii) the reasons which demanded a special departure from the important and established policy of Government adopted by all Local Governments in India in respect of fixing communal representation in Government service, and which necessitated avoiding the fixing of a proportion during the past three years, asked for by the Muslim public, and contemplated by the Local Government?

The Honourable Mr. J. Orerar: (a) No such percentage has been fixed for recruitment of the police force as a whole, but it has been found desirable for administrative convenience to increase the number of non-Muslims in the police in urban areas to the percentage stated

(b) Does not arise.

**METHOD OF RECRUITMENT TO BE ADOPTED FOR THE CIVIL ACCOUNT OFFICE
TO BE ESTABLISHED IN THE NORTH-WEST FRONTIER PROVINCE.**

1427. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that a Civil Account Office is proposed to be established in the North West Frontier Province with effect from the 1st April, 1929?

(b) If the reply to part (a) is in the affirmative, will Government please state the total strength of accountants and clerical establishment sanctioned for the same; the strength of the establishment which is proposed to be taken from the Office of the Accountant-General, Punjab, and the number of clerks who are to be recruited locally?

(c) Will Government please state the number of Punjabi Muslims and non-Muslims proposed to be taken from the Accountant-General's Office?

(d) Will their transfer be only on deputation for a specified period till local officials are gradually trained to replace them?

The Honourable Sir George Schuster: (a) Yes.

(b) Total strength, 8 accountants and 69 clerks. The strength of the establishment proposed to be taken from the Office of the Accountant General, Punjab, in which Office the accounts of the North-West Frontier Province are at present kept, consists of 7 Accountants and 44 clerks. 17 clerks have so far been recruited locally in the Frontier Province and the recruitment has been carried out in consultation with the Chief Commissioner. The remaining posts will be filled mainly by trained men from other accounts offices.

(c) The numbers of Muslims and non-Muslims proposed to be taken from the Accountant General's Office are 19 and 32 respectively. Volunteers were called for and the communal composition is therefore merely the result of the voluntary response.

(d) The transfer will not be strictly on deputation, as the majority of the men will be transferred to Peshawar along with the posts held by them. The intention is, however, gradually to repatriate the staff recruited from the Punjab office, as far as this may be possible without detriment to the interests of Government

CONDITIONS ON WHICH THE SERVICES OF THE ASSISTANT FINANCIAL SECRETARY, NORTH-WEST FRONTIER PROVINCE, WERE BORROWED FROM THE ACCOUNTANT GENERAL, PUNJAB.

†1428 *Maulvi Sayyid Murtuza Saheb Bahadur: Will Government please state the date from which, and the conditions on which, the services of the present Assistant Financial Secretary, North-West Frontier Province, were borrowed from the Accountant General, Punjab, and whether the conditions have not been fulfilled as yet? If not, why not?

PERCENTAGE OF MUSLIMS RECRUITED FOR THE OFFICE OF THE CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

†1429 *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the Honourable the Chief Commissioner of the North-West Frontier Province has informally sanctioned 66 per cent. recruitment of Muslims in his own and other offices? If so, on what basis has the proportion been fixed?

RECRUITMENT, FOR THE CIVIL ACCOUNT OFFICE IN NORTH-WEST FRONTIER PROVINCE, OF MUSLIMS FROM OUTSIDE THE PROVINCE.

1430. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that Muslims from outside the Province are to be recruited for the new Civil Account Office?

(b) Will Government please state why the recruitment should not be made from among the Muslim population in the Province?

The Honourable Sir George Schuster: (a) Yes

(b) The new office must have a nucleus of trained men, and it would be quite impossible to staff the office efficiently in the first instance if recruitment were confined to Muslims resident in the North-West Frontier Province.

† For answer to this question, see answer to question No 1421.

Maulvi Sayyid Murtaza Sahab Bahadur: May I know if there are no qualified hands available at present among the Muslims in the North-West Frontier Province?

The Honourable Sir George Schuster: I have no information as to the exact figures available, but if there are any qualified men available, they will certainly be recruited.

APPOINTMENT OF A MUSLIM PERMANENTLY RESIDENT IN THE NORTH-WEST FRONTIER PROVINCE AS HEAD CLERK OF THE NEW DISTRICT OFFICE.

†1431. ***Maulvi Sayyid Murtaza Sahab Bahadur:** (a) Is it a fact that sanction has been accorded by Government to the formation of a new district with headquarters at Mardan, in the Peshawar District, with effect from the 1st April next?

(b) Is it also a fact that in all the five District Offices of the Province, and in the offices of the Honourable the Chief Commissioner, Judicial Commissioner, the Revenue Commissioner, the Irrigation Secretariat, the Police Department, the Deputy Commissioner, and the Peshawar Municipality, the Head Clerks and Head Assistants are almost all non-Muslims, enjoying a monopoly of the appointments from time immemorial?

(c) If the reply to part (b) be in the affirmative, do Government propose to appoint a Muslim, who is a permanent resident of the Province, as Head Clerk for the new District Office?

CHARGES FOR FOOD SUPPLIED IN RAILWAY REFRESHMENT ROOMS TO SUBORDINATE RAILWAY EMPLOYEES.

1432. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state if it is a fact that, on the Bombay, Baroda and Central India Railway, Railway officials drawing much higher salaries, pay only six to eight annas more than subordinates for meals supplied in the refreshment rooms, and for food supplied on the dining cars, both officials and subordinates, pay the same amount?

(b) Are Government prepared to inquire into this matter and consider the question of lowering the charge for food supplied to the subordinate employees on this Railway?

Mr. P. R. Rau: Government have no information. I am sending a copy of the question to the Agent of the Bombay, Baroda and Central India Railway for any action he may wish to take.

REST ROOMS FOR SUBORDINATE INSPECTORS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1433 ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway, there are barely ten rest rooms for subordinate Inspectors, and that some of these rooms are unfit for habitation?

(b) Is it a fact that there are 25 well-furnished rest houses for officials?

† For answer to this question, see answer to question No.1421.

(c) Is it a fact that most officials have their own saloons, in which they live as a rule?

(d) Do Government propose to take steps to remedy this state of affairs, by providing habitable rest houses, and give up some of the unused official rest houses for the use of subordinates?

Mr. P. B. Rau: With your permission, Sir, I propose to reply to this and the next two questions together. I am making inquiries from the Agent, Bombay, Baroda and Central India Railway, and will communicate with the Honourable Member later.

FAILURE TO APPOINT ANGLO-INDIANS AS ASSISTANT TRAFFIC SUPERINTENDENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†1484. ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway

- (a) all the Probationary Assistant Traffic Superintendents are Indians and none of them are graduates?
- (b) the five Assistant Traffic Superintendents attached to the Head Office, Church Gate Street, are all Indians?
- (c) no Anglo-Indians or domiciled Europeans have recently been appointed to the permanent cadre of Assistant Traffic Superintendents?

(2) Do Government propose to inquire into the matter and remedy this differential treatment between Indians and Anglo-Indians, who, for purposes of Indianisation, are all Indians?

DIFFERENCE IN TREATMENT OF IMPORTED EUROPEAN EMPLOYEES AND LOCALLY RECRUITED ANGLO-INDIANS AND INDIANS.

†1485 ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that:

- (a) the Agent of the Bombay, Baroda and Central India Railway has fixed the maximum pay of Station Masters and Traffic Inspectors at Rs. 600 per month?
- (b) the majority of the present incumbents of these posts are in receipt of a salary of Rs. 450?
- (c) not one of them is today in receipt of this maximum?
- (d) the majority of Loco. and other Foremen on the Bombay, Baroda and Central India Railway come out from England?
- (e) most of the Loco. and other Foremen are in receipt of salaries from Rs. 600 to Rs. 650?
- (f) only those employees who are in receipt of Rs. 475 and above are entitled to first class travelling allowance on this Railway?
- (g) most of the Station Masters and Traffic Inspectors, who are Anglo-Indians, domiciled Europeans, and Indians are therefore denied the privilege of ever drawing first class travelling allowance?

† For answer to this question, see answer to question No. 1433.

(2) Do Government propose to take steps to equalise the conditions of the two sets of employees, and do they propose to order the Agent to cease this discriminating treatment of his employees, especially between the imported European and the indigenous employee?

OPINIONS ON THE COASTAL RESERVATION BILL RECEIVED FROM CERTAIN PORT TRUSTS.

1436. *Mr. Sarabhai Nemchand Haji: Will Government please state if the opinions on the Coastal Reservation Bill, received from the Port Trusts at Calcutta, Tuticorin, Madras, Bombay and Karachi, represent:

- (i) the unanimous opinion of the Port Trustees?
- (ii) the opinion of the majority of the Port Trustees, and, if so, what is the opinion of the minority? and
- (iii) the personal opinion of the Chairman of each of the Port Trusts?

The Honourable Sir George Rainy: Government have no information beyond that contained in the opinions referred to

Mr. Sarabhai Nemchand Haji: Will Government kindly make inquiries and communicate the result of those inquiries to me?

The Honourable Sir George Rainy: I believe, Sir, that these opinions were received when the Bill was circulated under the orders of this House, and I do not think it is the function of the Government to inquire from the bodies consulted by this House what the circumstances were in which their opinions were given.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS AT IMPORTANT TRADE CENTRES IN EUROPE.

1437. *Mr. Sarabhai Nemchand Haji: Will Government be pleased to state the nature of the action they have taken to follow their declared policy that Indian Trade Commissioners shall be appointed at important trade centres in Europe?

The Honourable Sir George Rainy: The Government of India have received proposals from the High Commissioner for India for the appointment of Indian Trade Commissioners at certain trade centres in Europe. These proposals are now under consideration

SHORT NOTICE QUESTION AND ANSWER

TREATMENT OF PERSONS RECENTLY ARRESTED UNDER SECTION 121-A. OF THE INDIAN PENAL CODE.

Diwan Chaman Lall: With your permission, I beg leave to put the Short Notice question of which I gave notice. (1) Is it a fact that several persons arrested under section 121-A. of the Indian Penal Code were brought to Meerut in third class compartments?

(2) Will Government supply the names of those who were thus treated?

(3) Is it a fact that five annas, per head, per day, was the allowance provided for those arrested persons, who were brought from Calcutta, and that food and drink for 24 hours had to be purchased out of this sum?

(4) Is it a fact that, out of the first batch of 19 accused, which arrived at Meerut, 18 were kept in cell No. 6, with no protection from the heat and no convenience except a bare mat provided for each?

(5) Is it a fact that, after the first day, orders were issued by the Superintendent of the Jail, Colonel O'Neil, under which, each accused was placed in a solitary cell?

(6) Is it a fact that the accused complained against this treatment?

(7) Is it a fact that Mr Thengdi, as a result of the harsh treatment and lack of ordinary conveniences, actually fainted on the 23rd instant?

(8) Is it a fact that the food provided for the accused is the ordinary jail diet provided for convicted criminals?

(9) Are Government aware that a majority of the arrested persons are leaders of responsible trade unions, or prominent workers in the labour movement?

(10) Will Government state the reason for ordering the custody of the accused in separate, solitary cells?

(11) Will Government state whether it is a fact that I was not permitted to interview Mr. Jhabwalla, one of the accused?

(12) Is it a fact that the accused, apart from Mr. Jhabwalla, have objected to their being kept in solitary cells?

(13) Will Government state which counsel, and on what fees, have been engaged to conduct the prosecution of the conspiracy case?

The Honourable Mr. J. Orerar: (1), (2) and (3). Inquiries are being made, and the result will be communicated to the Honourable Member in due course.

(4) The 18 persons referred to are confined, not in cells, but in under-trial barracks, which are cool and well ventilated. They are supplied with bedding, blankets and the usual vessels.

(5) A few of the accused have been placed in non-association barracks, the door of each barrack being left open for light and ventilation. None of them is being kept in a solitary cell

(6) No

(7) No

(8) The food supplied is on the scale prescribed for all under-trial prisoners in the United Provinces. It is being supplemented from private sources.

(9) It is a fact that a number of the arrested persons are officials in trade unions and connected with the labour movement.

(10) and (12) The Honourable Member is referred to the answer to part (5) above.

(11) My information is that this is not the case.

(18) Mr. J. W. Langford James and Mr. J. P. Mitter have been engaged to conduct the prosecution, the former on a daily fee of 60 gold mohurs and the latter on a daily fee of five gold mohurs.

Mr. K. Ahmed: In view of the fact that sufficient rations are not given, except what is available at the cost of five annas per day, to these prisoners, do Government propose to allow the members of the trade union and the supporters of these people, who have been arrested, and who are now under-trial prisoners, to supply sufficient food or give them the same facilities in the matter of food as are allowed to ordinary under-trial prisoners by their own people within the precincts of the jail?

The Honourable Mr. J. Orerar: That is a matter which the prisoners concerned may represent to the Court.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that barrack No. 6 is neither cool nor well ventilated?

The Honourable Mr. J. Orerar: My information is to the effect that all accommodation is cool and well ventilated.

Mr. A. Rangaswami Iyengar: May I know, Sir, what is the difference between these segregation barracks and solitary cells? The Honourable Member told us that certain people were put in separate segregation barracks. What is the difference between these separate segregation barracks and solitary cells? Is the difference only in nomenclature?

The Honourable Mr. J. Orerar: No, Sir. Certain accused have been accommodated in non-association barracks in order that the comfort and convenience of the accused as a whole may be best consulted.

Mr. A. Rangaswami Iyengar: The point I want to know is, so far as comfort and convenience are concerned, what is the difference between the non-association cells and solitary cells? In what sense are they different?

The Honourable Mr. J. Orerar: I think it will be necessary for me to ascertain precisely what the difference is if the Honourable Member wants to have further information.

Diwan Chaman Lall: Will the Honourable Member make further inquiries and see whether the information he has supplied about cell No. 6 is correct or not?

The Honourable Mr. J. Orerar: No, Sir; I am not prepared to make further inquiries, for this reason that it is open to any of the accused who has a complaint to make, to make it to the Court or to the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: Will the Honourable Member make inquiries and see that the accommodation in these separate barracks is of a character which is equivalent to the comfort and accommodation that is provided to other undertrial prisoners and that arrangements are made to give proper convenience to all these prisoners?

The Honourable Mr. J. Orerar: I am prepared to make inquiries on that point.

Diwan Chaman Lall: May I know, Sir, why some of the prisoners have been accommodated in non-association barracks?

The Honourable Mr. J. Orerar: I understand, Sir, that the accommodation was so arranged, as I have already said, in order that the comfort and convenience of the accused, as a whole, might be best consulted.

Diwan Chaman Lall: May I ask the Honourable Member to state the names of those who have been put in in separate cells?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Will the Honourable Member get them?

The Honourable Mr. J. Orerar: No, Sir; as I have already explained, any individual accused is at liberty, if he feels that he has got any complaint to make, to make it either to the Superintendent of the Jail or to the Court

Diwan Chaman Lall: May I ask the Honourable Member to state whether it is, as a matter of policy, that these people are placed in isolation barracks or whether it is for convenience?

The Honourable Mr. J. Orerar: I understand it is entirely a question of convenience

Diwan Chaman Lall: May I know, Sir, whether one of these prisoners, Mr Jhabwalla, ever asked to be placed in special barracks?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Then how does the Honourable Member say that some of these people have been put in special barracks for their convenience?

Mr. A. Rangaswami Iyengar: May I know, Sir, whether any orders have been issued to the Superintendent of the Jail to put these people in separate cells and to see that these people do not communicate or converse with their fellow accused in the other cells?

The Honourable Mr. J. Orerar: These are matters which are entirely within the discretion of the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: I want to know whether, as a matter of fact, any instructions have been issued to the Jail Superintendent to prevent these people talking to each other?

The Honourable Mr. J. Orerar: No instructions to that effect have been issued by the Government of India.

Diwan Chaman Lall: Is it a fact that, for the first few days, when the first batch of accused were brought down to Meerut, they were all kept together in cell No. 6?

The Honourable Mr. J. Orerar: My information is that, on first arrival, certain of the accused were kept in cell No. 6.

Diwan Chaman Lall: Will the Honourable Member tell me whether 18 out of the 19 accused who were first brought to Meerut were kept in cell No. 6?

The Honourable Mr. J. Orerar: I understand that temporarily that was the barracks in which they were kept, but I also understand that it is very large, cool and well ventilated.

Diwan Chaman Lall: May I ask the Honourable Member whether, thereafter, any one of these 18 accused expressed a desire to be taken away from their fellow accused and placed in isolation barracks?

The Honourable Mr. J. Orerar: I have no information on the point.

Diwan Chaman Lall: Will the Honourable Member kindly inform me why he asserted that it was for the convenience of the accused?

Mr. A Rangaswami Iyengar: May I know how many of these accused were brought to Meerut with handcuffs on?

Mr. K. Ahmed: Put that question to the Superintendent there.

The Honourable Mr J. Orerar: I have no information on that point. I must ask for notice.

Mr. Gaya Prasad Singh: May I know why such treatment is being accorded to under-trial prisoners when their guilt has still to be proved in a Court of Law?

Diwan Chaman Lall: May I ask why there should be delay in answering questions 1, 2 and 3 regarding which information could very easily be obtained?

The Honourable Mr. J. Orerar: These involved communications with a considerable number of Local Governments and their replies have not been completely received.

Diwan Chaman Lall: Is it not a fact that the officer in charge, Mr. Horton, is in a position to give all the information to the Honourable Member?

The Honourable Mr. J. Orerar: No.

Diwan Chaman Lall: May I ask whether there is nobody at Meerut now to supply the Government with the necessary information in regard to all these questions?

(No answer was given.)

UNSTARRED QUESTIONS AND ANSWERS

EXTENSION TO THE TELEGRAPH BRANCH OF COMBINED POST AND TELEGRAPH OFFICES OF THE SATURDAY HALF HOLIDAY AND POST OFFICE HOLIDAYS.

431. Mr. N. C. Kelkar: (a) Are Government aware that the half-holiday concession on Saturday, which is extended to the non-signalling branches of the Postal Department, is denied to the Telegraph Branch of the combined offices, resulting in nearly 15 days' extra service in a year from a signaller, as compared with the non-signalling staff?

(b) Are Government aware that the Telegraph Branch of the combined offices is not closed on most of the post office holidays and that the postal

signallers are required to put in regular hours of attendance on these days, exactly like any other working day of the year, with the result that they are required to work nearly eight days more in a year than the non-signalling staff?

(c) Are Government prepared to extend the Saturday concession and all post office holidays to the Telegraph Branch of the Post Office or grant extra remuneration for this extra service? If not, why?

Mr P. G. Rogers: (a) Yes, but all the non-signalling branches do not get the half holiday either.

(b) Yes, but the same conditions apply to some of the non-signalling branches also.

(c) No, because the extension of the holiday concession to the Telegraph Branch would lead to public inconvenience and because the signalling staff do not, as a matter of fact, render any extra service.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE DUZDAP EXCHANGE POST OFFICE.

432. Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that several representations were submitted to the Director-General, Posts and Telegraphs, by the staff of the Duzdap Exchange Post Office in 1927? If so, what action was taken on them?

(b) Is it a fact that this grievance of the said officials was brought to the notice of the higher postal authorities in 1924, and that the latter promised to take up the question? If so, why has it taken Government five years to consider this question?

(c) Is it a fact that, at the time of the consideration in 1924, of the general question of granting local allowance to postal employees in Baluchistan and certain other places like Mirjawa in Persia, the staff of the Duzdap Exchange Post Office was overlooked? If so, why?

(d) Are Government aware that, owing to such differential treatment and the high expense of living, there is a growing discontent among the said officials?

(e) If the answer to parts (a) to (d) are in the affirmative, do Government propose to consider the desirability of granting a local allowance to the said officials with retrospective effect, so as to compensate them for the heavy loss continuously sustained by them during the last five years?

Mr. P. G. Rogers: (a) The facts are not quite as stated by the Honourable Member. There are two clerks on the time-scale of pay in the Duzdap Exchange Post Office, and one of them submitted two representations in 1927, praying for the grant of a local allowance. He was informed that his prayer was under consideration.

(b) and (c) Government have no information, but inquiries are being made, and the result will be communicated to the Honourable Member.

(d) Government are not aware of any growing discontent.

(e) The question of the grant of a local allowance will be considered in connection with the general revision of local allowances in the Sind and Baluchistan Circle, which is at present receiving my attention; but there can be no question of granting any such allowance with retrospective effect.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE INDIAN EXCHANGE POST OFFICE AT DUZDAP IN PERSIA.

433. Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that the clerks employed in the Indian Exchange Post Office at Duzdap, a place in Persia, do not get any local allowance?

(b) Is it a fact that the postal employees at Mirjawa, a place in Persia, are in receipt of local allowance since 1924?

(c) Is it a fact that the clerks of all the post offices in Baluchistan are drawing local allowance?

(d) Is it a fact that the staff of the British Consulate office and of other offices at Duzdap draw local allowance?

(e) Is it a fact that the prices of foodstuffs and other articles are very high and that living in that place is very expensive?

(f) If the answers to parts (a) to (e) are in the affirmative, will Government be pleased to state why the clerks of the Duzdap Exchange Post office have not been granted a local allowance?

Mr. P. G. Rogers: (a) Yes.

(b) Yes. In 1924 the Government of India sanctioned the continuance, subject to certain conditions, of the local allowance previously drawn by the postal staff of the Mirjawa Post Office.

(c) No

(d) Yes

(e) Government have no recent information.

(f) The Honourable Member's attention is invited to the reply just given to parts (d) and (e) of his unstarred question No. 432 on the subject.

STATEMENT LAID ON THE TABLE

Mr. P. R. Rau (Financial Commissioner, Railways) Sir, I beg to lay on the table a statement promised by Mr A A L Parsons on the 27th February, 1929, comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Statement comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Item No.		Original estimate.	Revised estimate.
		Rs.	Rs.
1	Steel buildings, cranes, boilers, pipework, fuel handling plant.	33,34,200	37,51,530
2	Turbo-alternators and transformers	20,63,400	21,65,660
3	Switchgear, internal cabling and accessories	9,18,000	12,31,036
4	Spare parts	2,08,070	2,09,300
5	Preparation of site, foundations, brick and concrete work, circulating water ways, etc.	26,36,000	47,03,955
6	General charges	5,80,750	6,19,500
	Total	97,40,420	1,26,80,981

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting held on the 30th March, 1929, agreed, without any amendments, to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, which was passed by the Legislative Assembly on the 28th March, 1929."

THE INDIAN COASTAL TRAFFIC (RESERVATION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. Sarabhai Nemchand Haji (Bombay Central Division: Non-Muhamadan Rural): I beg to move:

"That the instructions given to the Select Committee on the Bill to reserve the Coastal Traffic of India to Indian Vessels to present its Report before the 10th February, 1929, be withdrawn and that the Select Committee be instructed to present its Report on the 2nd April, 1929"

The motion was adopted

Mr. Sarabhai Nemchand Haji: I beg to present the Report

THE PUBLIC SAFETY BILL—*contd.*

Mr. President: Before I ask the House to resume debate on the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration, I should like to make a few observations as to the difficulty I feel, and I am sure the House must also feel, in the matter.

Since we met last, I have been at some pains to examine study and compare the speeches made by the Leader of the House from time to time on the Public Safety Bill on the one hand, and the complaint lodged by the Crown against 31 persons in the Meerut Court. As a result of my labours, I have found that the fundamental basis for the Public Safety Bill is virtually identical with that of the case against the 31 accused. In one, the Member in charge asks this House, and in the other, the Crown will ask the Judge and Jury to hold that:

- (1) There is in existence a powerful propagandist organisation called "Communist International" in Russia whose aim is to overthrow and destroy the existing social and economic order, as well as all forms of Government throughout the world by a general strike and armed uprising in accordance with the programme which it has outlined.

- (2) In 1920-21 the said organisation resolved to establish a branch in India, and in pursuance of that Resolution the organisation and its agencies are at work in this country in preparing, practising, and propagating the doctrines and pursuing the activities directed towards the end they have in view
- (3) The movement in India has received a good deal of stimulus by the arrival of a foreign Communist named Campbell in 1925-26, who, for the first time, started a Workers and Peasants Party in India in a really active form, in pursuance of the programme of the Communist International, and after his removal from India, two other British Communists (who I understand, are among the accused in the Meerut case) came, and have been continuously carrying on, in conjunction with an increasing body of associates (some of whom perhaps are among the accused in that case), incessant activities for over a year and a half in furtherance of the said programme

Honourable Members are aware that the rules of business of this House provided that no question shall be asked, nor any Resolution moved, or motion for adjournment made in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions. It has been further provided by Standing Order No. 29 that a Member shall not be allowed, whilst speaking to any motion either on a Bill, or any other measure, to refer to any matter of fact on which a judicial decision is pending. To put it briefly, the House is not allowed to refer to, or discuss, any matter which is *sub judice* on the ground that any such reference or discussion might prejudice the pending case. The question, therefore, arises whether it is possible for this House to discuss the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration without referring to, or discussing any of the matters which are *sub judice* in the Meerut trial. I think there can be no two opinions that real debate on the Bill is not possible without extensive reference to, and discussion of, most of the matters that are *sub judice*. In fact, I am clearly of opinion that these are the only matters that could be relevant to the issues involved in the Bill, and anything else would, strictly speaking, be irrelevant. But under the Standing Order above referred to, the Chair would be bound to rule out all such reference and discussion, and this would make the debate on the Bill impossible. Perhaps the Chair might not mind some casual references here and there of some of those matters during the debate, but in this particular case it would be necessary for Honourable Members to make repeated references and also to discuss the merits of these matters. Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and the rejection of the Bill would mean the rejection of that basis, and in either case such a course is bound to affect prejudicially the case for the prosecution or for the defence in the Meerut trial, as the case may be. I do not see how, in these circumstances, I can legitimately allow the Government to proceed further with this Bill at this stage. I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending

[Mr. President]

the Meerut trial, or, if they attach greater importance to the passing of this Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill. I know the consideration of this question must naturally take some little time, and I have, therefore, decided to ask the Government to take up the consideration of the Trade Disputes Bill in the meantime.

Mr. K. Ahmed (Rajshahi Division Muhammadan Rural): How can they do that?

The Honourable Mr. J. Orerar (Home Member) Mr President, may I be permitted to make some observations on what has fallen from the Chair?

Mr. President: Does the Honourable Member wish to consider, in the Government as a whole, the suggestion that the Chair has made?

The Honourable Mr. J. Orerar: I am not quite clear as to what suggestion the Chair has made.

Mr. President: If the Honourable Member is not clear, I will read it again:

"I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other, and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending the Meerut trial, or if they attach greater importance to the passing of the Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill."

The Honourable Mr. J. Orerar: I am prepared, on behalf of Government, to consider the observations which you have made, but if that implies a suggestion that Government are prepared to accept the further suggestion that the Bill should be postponed, that is a suggestion which I regret, on behalf of Government, I am unable to accept.

Mr. President: Is that the decision of the Government? That means that the Honourable the Leader of the House is not prepared to place the suggestion made by the Chair before the Government as a whole and ask them to consider whether they should not postpone the consideration of this Bill.

The Honourable Mr. J. Orerar: I am prepared to submit for the consideration of Government the observations which you have made, but I wish to make it clear that the view of the Government is that it would be very detrimental to the public interest that the further consideration of this Bill should be postponed.

Mr. K. Ahmed: In the meantime the discussion will go on?

Mr. President: In any case the Chair, before giving its ruling on the question, will have the decision of the Government before it.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON QUESTIONS RELATING TO EMIGRATION

Mr. G. S. Bajpai (Secretary Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education Health and Lands, will be nominated "

Mr. K. C. Roy (Bengal Nominated Non-Official): I desire to oppose this motion, because, in my opinion, the constitution of this Committee is a great handicap on the work of the Central Legislature. Before I come to the point, I wish to describe the Committee as it is. Here we are asked today to elect a panel of 16. No self-respecting Legislature in the world will elect a panel from which the choice is to be made by the Executive Government. I am very glad that the Swarajist Members of this House do not participate in the panel, and I wish that the other Members would follow the lead. Then, Sir, what is the Committee going to do? It is not a Committee which is responsible to this Legislature. It is a purely departmental Committee not even to advise the Governor General, but the Department of Education, Health and Lands on matters of emigration. This is the Committee to which we are asked to elect a panel today, and this is the Committee to which I take the strongest objection. Recent experience has convinced me that this Committee is a great handicap on the functions of the Central Legislature. I was once a member of this Committee, and the only function that we had to perform was to deal with the Ceylon emigration question. None of the big overseas problems ever came before this Committee to my knowledge. What has happened recently? We had a most momentous Report, which has been presented to the British Houses of Parliament. We have no cognisance of it in this House. It was taken through a back door—I say deliberately it was taken through a back door—to the Emigration Committee the decision of which is not put on the table of this House. The Report of the Hilton Young Commission is a most important but doubtful contribution to the solution of the East African problems, in which India is deeply interested. East Africa and the East African protectorates are the only places in the British Empire where Indians go freely and enjoy the rights of citizenship—except in Nairobi. The Report has a fundamental bearing upon the future of Indians as citizens of the British Commonwealth of Nations, and this Report has been taken by a back door to the committee, the decision of which is still unknown to us.

Then take the case of the Right Honourable Srinivasa Sastri. Mr Sastri's mission to South Africa is a great personal achievement for him, but I ask has a single question connected with his mission ever come up before this House? What about the Cape Town agreement? Is Mr Sastri's success due to it, or is it a personal triumph? The Cape Town agreement rightly or wrongly, is based upon a decision, which was taken by the Imperial Conference during the war, and that decision is that every community in the British Commonwealth of Nations has a right to the composition of its own population. What has happened since then? What is the net result of this decision? This decision was agreed to, on behalf

[Mr. K. C. Roy.]

of the Government of India, by Lord Birkenhead, the Maharaja of Patiala and Sir D. T. Chadwick. The net result is that an Indian is an undesirable citizen in most parts of His Majesty's self-governing Dominions. Whereas you find that the Russians, the Jews, the Poles and other nationalities, all enemy aliens, are welcomed, an Indian is treated as an undesirable alien, although he is a loyal subject of His Majesty, and is not welcomed as a citizen in any of His Majesty's White Dominions. Has this Committee ever reviewed the position? Now that Mr. Sastri has come, it is time that we reviewed the position. We should instruct our own delegates to the Imperial Conference to review the position, not in a spirit of hostility to the British Empire, but in a spirit of reciprocity and give and take, to promote a better understanding between our people and the other peoples over Indian overseas problems and for the sake of trade and commerce. Has anything been done by this Committee? I say, no. Now, Ceylon is trying for Dominion rule. What is going to happen to Indians there? Are they going to be restricted in the same way as in the White Dominions? Burma is also being misled to ask for separation and Home rule. What is going to happen there? That is a vital problem, so far as we are concerned, and the position should be reviewed by this House.

Then again, what is going to be the future of Indian emigration? The Agricultural Commission has made it clear that there is considerable pressure on agricultural lands. What are we going to do with our surplus population? Indians are allowed to emigrate to Fiji and Mauritius, British Guiana and other undesirable places while the British want to take away Burma from us. What is to be our future policy? Why should we not open emigration to South America and take our chance? These are the considerations that should be discussed by this House, and this House alone, and not by a Committee whose function is to advise the Department of Education, Health and Lands. I speak under some inconvenience because I was never prepared for this motion today and I dare say the House will support me.

***Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhamadan Urban): I cordially welcome the remarks that have fallen from the Honourable Mr. Roy on this question. As he has himself stated, the Congress Party has consistently refused to take any part in the election of a panel which it regards as derogatory to the dignity of any representative legislature. If we elect a committee, we want that election to go through. I do not think that any self-respecting Assembly will submit to its choice being made in a manner which will be corrected and be subjected to another choice by the Executive Government. Perhaps it was not well known to the House and to the public why it was that we did not take part in the election of the panels, and therefore I take this opportunity to make it clear that, on this and other occasions, when a panel has got to be elected by this House, the Congress Party will refuse to take any part in it. On that single ground I support my Honourable friend Mr. Roy.

Mr. G. S. Bajpai: Sir, my Honourable friend, Mr. K. C. Roy, said just now that he had a great measure of inconvenience in dealing with this motion. Perhaps I would be permitted to state that I am at a greater disadvantage in meeting the remarks which he has made, because

12 Noon.

I was not prepared that a general debate would be raised on a motion which, within my experience of this House, has never been opposed in the past

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhammadan Rural): It has been opposed in the past

Mr. G. S. Bajpai: I said "within my experience of the House".

Mr. A. Rangaswami Iyengar: It was opposed during the time of your predecessor.

Mr. G. S. Bajpai: The Honourable the Leader of the Opposition, Pandit Motilal Nehru objected to this motion on the ground that he is not in favour of the principle of electing a panel on which the Government exercise, as it were, a selective influence, or in regard to which Government use a selective discretion. With regard to that point, I should like to say, Sir, that this question has been, according to my recollection, raised in the past, and the vote of the House was in favour of continuing this practice

Mr. A. Rangaswami Iyengar: Not always.

Mr. G. S. Bajpai: My recollection is that, in September 1927, when my Honourable friend the Member in charge of the Department of Industries and Labour, made a motion for the election of a panel from which members of the Advisory Committee to advise on labour questions would be elected, Mr Neogy raised this question of direct election. The whole question was carefully considered on that occasion and debated at length and, as I said, the verdict of the House at that time was that the present system should continue.

Mr. A. Rangaswami Iyengar: There were other occasions when it was carried.

Mr. G. S. Bajpai: I am merely trying to state, at this stage, the position reached when this question was last raised in the House. The verdict then was that the present procedure should continue. My Honourable friend, the Leader of the Opposition, has now revived the question of election direct *versus* election of a panel. Well, Sir, that is a question of general importance. It is not a matter of importance to the Department of Education, Health and Lands only but to the Government of India as a whole, and naturally, I cannot be expected to make a pronouncement upon that question. There are, however, one or two remarks more germane to the work of this Committee, which fell from my Honourable friend Mr. K. C. Roy, to which I think I must take exception.

The first point I wish to take is, regarding his statement, that no important question had been referred to the Standing Emigration Committee. My recollection is that . . .

Mr. K. C. Roy: May I interrupt the Honourable Member? What I meant was that, during my experience, no important matter was referred to the Committee.

Mr. G. S. Bajpai: In 1925 I remember an occasion when the Standing Emigration Committee considered the recommendation made by no less a body than the Colonies Committee, of which my Honourable friend Mr. K. C. Roy was a member. That recommendation was for sending from

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India an officer to investigate certain areas of land in Kenya, in order to consider whether those areas should be settled by Indians. Mr. Roy, I admit, was not a member of the Committee at the time, because, when the election took place, either Mr. Roy did not offer himself, or he was not in the country. But, in any case, he was invited to be present at this meeting of the Standing Emigration Committee. Now that question was of fundamental importance and illustrates that the Standing Committee on Emigration is by no means a Committee which is called upon to consider questions of purely secondary importance. On another point of fact, I would carry the memory of the House back to 1924, when the South African problem was very acute and when the Government of India took the Standing Emigration Committee completely into their confidence. The action which was taken by Government then, namely, the sending out of a deputation to South Africa for certain purposes, was taken on the advice of that Committee. I will not disclose the details of what transpired in the Standing Emigration Committee, because the proceedings of the Committee are confidential, but I think it is a known fact that, on that occasion, the Honourable the Leader of the Opposition, Mr. Muhammad Ali Jinnah, and other prominent Members of this House were invited to attend the meeting of the Standing Emigration Committee.

Here is the position, Sir. When it is a question of land settlement in East Africa, we consult the Standing Emigration Committee; when it is a question of considering such problems of delicacy and national importance as the position of Indians in South Africa, we consult the Standing Emigration Committee.

Mr. K. O. Roy: You ought to consult the Legislature and not the Standing Emigration Committee.

Mr. G. S. Bajpai: Next, we have a very recent instance of the attitude of the Government of India towards this Standing Emigration Committee, namely, the procedure adopted for consideration of the Hilton Young Commission Report. His Excellency the Viceroy, in his inaugural address to the Legislative Assembly, stated that the whole Report and the question of the attitude to be taken up by the Government of India in regard to that Report would be considered by the Standing Emigration Committee. If, Sir, this catalogue, which is by no means exhaustive, of the confidence reposed by the Government of India in the Standing Emigration Committee, is proof of the neglect which is shown by the Government of India towards the Standing Emigration Committee, then I fail to see in what other manner the Government of India could show their confidence and trust in the Standing Emigration Committee.

Then, Sir, it is stated that the Standing Emigration Committee was called upon to consider—or that the Report of the Hilton Young Commission was placed before it by a back-door. I fail to see how that expression can be used in connection with the conduct of Government in regard to this particular case. As I stated just now, when His Excellency the Viceroy addressed the Assembly, he said that the intention of the Government was to place the Report before the Standing Emigration Committee. Later on, when we thought that it was desirable to have not merely the views of the members of the Standing Emigration Committee, but also of prominent Members of this House, of men of all shades of opinion in this

House, on this important document, what did we do? We expanded the Committee, and I think Mr. K. C. Roy was one of the Honourable Members of this House whom we asked to take part in the deliberations of this Committee.

Now, Sir, as I said, the discussions of this Committee are, under the rules, confidential, and therefore I do not propose to go into the details of what this Committee did. But I should be surprised if any member of the Committee present in this House, or any of the other Members of the House who are not members of the Committee, but who attended the meetings of this Committee, would say that the Government did not show the utmost measure of confidence in the Committee or that the conclusions reached by this Committee were of such a nature that any Honourable Member of this House could take exception to them.

Then, Sir, comes the question of publicity. The Government have not placed the recommendations of this Committee on the table of the House. I am the last person in the world, and I think Government would be most reluctant, with regard to any overseas question, to adopt the attitude of "hush-hush" deliberately, or to ignore the views and wishes of this House, or not to take them into their confidence. But, Sir, my Honourable friend Mr. Roy, who has himself been to England as a member of the Colonies Committee, knows the difficulties and the delicacy of these negotiations—negotiations not with a Provincial Government, but with an outside Government, and with Governments in other parts of the Empire. When he realises that any unconscious act of indiscretion might lead to serious difficulties, he ought to recognise that the recommendations of a Committee affecting the future negotiations of the Government of India about the recommendations of the Report cannot, consistently with the public interest, be placed on the table of this House. It is not, however, the case that there is any intention on the part of the Government to hold back the proceedings of the Committee from the Members of this House. I am prepared, here and now, to give the House an undertaking that, if Honourable Members will undertake to keep the proceedings of the Committee confidential, I am prepared, to circulate them to all the Members of the House.

Then I come to the question that we have not been given an opportunity, or we have not had an opportunity, of discussing the Report. Well, Sir, when the suggestion was made to me privately early in the session that the Members would like this Report to be discussed on the floor of the House, I said that there was no intention or desire on the part of the Government to burke discussion, but that in view of the voluminous nature of the Report, the comprehensive nature of the Report, the wide ground covered by the Report, it was only right and proper to meet and consider the recommendations of the Report, first in a small body, and later on, if there was any desire on the part of the House to have the Report discussed, Government would do everything in their power to meet the wishes of the House. And, I think I am stating the position correctly. I say that, when the Honourable the Party Leaders met the Honourable the Leader of the House and arranged to take certain matters out of turn for purposes of discussion in this House, Emigration was one of the items selected to be discussed out of turn. It was hoped that this question would be discussed on the floor of this House. Government can hardly be blamed for the Demand not being reached. It is not fair to say that, thereby Government

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have been burking discussion of the Report, or had deliberately intended to conceal from the House what they intended to do in the matter, or on other matters of moment.

Then my Honourable friend referred to the Cape Town Agreement, and to the emigration policy of the Government of India. I have, as it happens, with me now, a letter on the latter subject. If Sir Darcy Landsay will permit me, I will allude not to the details of his letter, but to the main suggestion. The main suggestion in this letter is that, having visited Brazil over a year ago, he thinks that the Standing Emigration Committee,—which my Honourable friend said that no self-respecting Member should touch with a barge pole,—that this Committee should consider the question of emigration to Brazil and other parts of the world, where we can possibly discharge our redundant millions. That is hardly proof of a general feeling on the part of this House that the Standing Emigration Committee will not consider questions of this moment if they are brought before it. My Honourable friend, as I have said already, referred also the Cape Town Agreement. The budget discussion has passed; days allotted for non-official Resolutions have passed; did my Honourable friend wish to discuss any aspect of the Cape Town Agreement then? There has certainly been no reluctance on our part to do so. In brief, Sir, I think, it is not altogether fair to either the Standing Emigration Committee, or to the Government to raise these general questions at a stage when we are bringing before the House a motion to elect a Committee, just as we have been doing for the last five years or more; a Committee which is one of the most useful committees that has ever functioned. While the rules relating to this Committee say that the Committee may discuss questions which are placed before it by the Member in charge of the Department, our policy has been to leave it to every member of the Standing Emigration Committee to raise any particular question he likes. I regret that my Honourable friend, Sir Purshotamdas Thakurdas is not in his seat at the present moment to substantiate what I say. If he had been here, he would have stated that only last year he raised certain questions relating to the general emigration policy of Government. We allowed him to do it. Of course it is not for me to compel the House to elect the panel; but I merely appeal to the House, in the light of past experience—and I hope that Honourable Members of the Committee who are at present in the House will bear me out in all I have said—I would earnestly appeal to the House not to lose the opportunity of helping us to keep in touch with them during the next few months, which may be big with important events in East Africa, and when questions which the House recognises are of national importance and which my Honourable friend, Mr Roy, says should not be discussed by Government with the only organ of the Legislature which, under the rules, is capable of discussing them, are likely to come up.

Mr. President: The question is:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No 114, dated the 7th February, 1924, a panel of 16 members, from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated."

The Assembly divided :

AYES—45

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allison, Mr F W
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid
Bajpai, Mr G S
Bower, Mr E H. M.
Bray, Sir Denys
Chalmers, Mr. T. A.
Chatterjee, the Revd. J C.
Coatman, Mr J.
Cocke, Sir Hugh
Cosgrave, Mr. W A
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J
Dakhan, Khan Bahadur W M. P
Ghulam Kadir Khan
Dalal, Sardar Sir Bomanji
French, Mr J C
Ghazanfar Ali Khan, Mr.
Gidney, Lieut-Colonel H A J.
Gour, Sir Hari Singh
Hussain Shah, Sayyed

Jawahir Singh, Sardar Bahadur
Sardar.
Keane, Mr M
Lall, Mr S
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath
Mitter, The Honourable Sir
Bijendra
Muhammad Nawaz Khan, Sardar
Mukharji, Rai Bahadur A. K
Mukherjee, Mr S C
Rany, The Honourable Sir George
Rajah, Rao Bahadur M. C
Rao, Mr V. Panduranga
Rau, Mr H Shankar
Rau, Mr P R
Schuster, The Honourable Sir George
Shillidy, Mr. J A
Singh, Rai Bahadur S N
Trikoti Nath, Lala
Webb, Mr M
Wight, Mr W T M
Yamin Khan, Mr Muhammad
Young, Mr G M

NOES—41

Abdul Matin Chaudhury, Maulvi.
Aney, Mr M S
Bhargava, Pandit Thakur Das
Chaman Lall, Diwan
Das, Pandit Nilakantha
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra
Farookhi, Mr Abdul Latif Saheb
Ghazanfar Ali Khan, Raja
Gulab Singh, Sardar
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala
Ismail Khan, Mr Muhammad
Iswar Saran, Munshi
Iyengar, Mr A Rangaswami
Iyengar, Mr S Srinivasa
Jogiah, Mr V V
Kartar Singh, Sardar.
Kelkar, Mr N C
Kidwai, Mr Rafi Ahmad
Lahiri Chaudhury, Mr D K
Malaviya, Pandit Madan Mohan

Mehta, Mr Jamnadas M.
Misra, Mr Dwarka Prasad.
Murtuza Saheb Bahadur, Maulvi
Sayyid
Naidu, Mr. B P
Nehru, Pandit Motilal.
Neogy, Mr K C
Rahimtulla, Mr Fazal Ibrahim.
Ranga Iyer, Mr. C S.
Roy, Mr K C
Sarfaraz Hussain Khan, Khan
Bahadur
Shafee, Maulvi Mohammad
Siddiqui, Mr Abdul Qadir.
Singh, Mr Gaya Prasad
Singh, Mr Ram Narayan.
Sinha, Kumar Ganganand
Sinha, Mr. Rajivaranjan Prasad
Sinha, Mr Siddheswar Prasad
Yakub, Maulvi Muhammad
Yusuf Imam, Mr

The motion was adopted.

Mr. President: Sir Bhupendra Nath Mitra.

Diwan Chaman Lall: Before the Honourable Member proceeds with the Trade Disputes Bill, may I put him one question?

Mr. President: Order, order No Trade Disputes Bill now The Honourable Member must follow the agenda

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON MATTERS RELATING TO ROADS.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move.

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No D-794-C, dated the 30th January, 1924, a panel consisting of 12 members from which 6 Members of the Standing Committee to advise on matters relating to Roads will be nominated."

Sir, this motion is intended to give effect to a specific recommendation in the Report of the Indian Road Development Committee, 1927-28. That recommendation is contained in paragraph 96B (10) (b) of the Report to which I have referred. I recognise, Sir, with a certain amount of regret, that my motion also comes under the ban of the dictum of my Honourable friend, the Leader of the Congress Party. But, Sir, I have no help. This Committee, from the Report of which I have quoted, included three Members of this House who belonged to his Party, and in spite of that fact, they made this unanimous recommendation, namely that a Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, which would advise the Governor General on all matters relating to roads. That being so, I have no option but to bring this motion before the House.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural) That does not mean that they approve of the principle of panel.

The Honourable Sir Bhupendra Nath Mitra: I have already quoted what they say, that it is similar in constitution to other departmental Standing Committees. The constitution of departmental standing committees provide for a panel and for selection from that panel.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural) Do the Standing Finance Committee and the Railway Standing Finance Committee contain such a provision for panel?

The Honourable Sir Bhupendra Nath Mitra: That is a different matter. I have not overlooked the particular point to which reference has been made by the Deputy President of the House. But this is what the Indian Road Development Committee have stated.

"A Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, etc., etc."

Maulvi Muhammad Yakub: What do the Public Accounts Committee and the Standing Finance Committee contain?

The Honourable Sir Bhupendra Nath Mitra: It was open to that committee to have said that a committee should be appointed similar in constitution and functions to the Standing Finance Committee or the Public Accounts Committee.

Mr. Fazal Ibrahim Rahimtulla: They mean that.

The Honourable Sir Bhupendra Nath Mitra: I must accept the Report as it stands. As it is, those two Committees are not departmental standing committees. The Report clearly use the words departmental standing committees. That being the position, I have no option but to move this particular motion.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Will the Honourable Member kindly explain why he thinks that the wording "constitution" provides a procedure by which this Committee will be constituted? The word "constitution" simply means that it shall consist of members of the Assembly, as other committees do. It does not necessarily lay down that the procedure shall be by a panel, and after having heard the objections of members to be elected to a panel, I think the Government should recognise the validity of the objection and agree to only having members directly elected.

Mr. President: Order, order. The Honourable Member will have an opportunity of speaking afterwards, if he wishes.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, as my Honourable friend, Pandit Madan Mohan Malaviya has mentioned his point, I think I can answer it straightaway without waiting for a separate speech from him. (Laughter)

Mr. K. Ahmed: That means another two hours!

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, I have got to weary the House by quoting again from this particular recommendation. The recommendation runs as follows:

"A Standing Committee of the Indian Legislature for Roads should be appointed, similar in constitution and functions to other departmental standing committees."

Now, Sir, what is the constitution of the other departmental standing committees? I am not talking of a committee like the Standing Finance Committee, or the Public Accounts Committee, which are not departmental standing committees. The constitution is that the Governor General in Council selects a certain number of members from a panel elected by this House. That, Sir, is the constitution (*Honourable Members* "No, no"). It is quite obvious that that is the constitution. There is not a single departmental standing committee which is elected outright by this House. In the case of all these departmental standing committees, nominations are made by the Governor General in Council out of a panel elected by this House. Sir, that is the position in regard to departmental standing committees. If the Roads Development Committee did not envisage that constitution, nothing prevented them from making it clear that they wanted this particular standing committee to be elected outright by this House; and as I have already said, the actual recommendation is the unanimous recommendation of the Indian Roads Development Committee, which has been subscribed to by all the Members in this House who

[Sir Bhupendra Nath Mitra]

were Members of that Committee, including those belonging to the Congress Party and to the Nationalist Party. If it is the desire of this House that that particular Committee should be constituted in a different manner, the House will undoubtedly have an opportunity of saying so later on, because one of the recommendations of this Committee is that a sort of convention should be established to lay down the rules, etc., under which the expenditure should be controlled. When this House is discussing that convention, it would undoubtedly be open to the House to have the constitution of the standing committee altered. But for the moment, I am bound to be guided by the recommendation of the Indian Roads Development Committee, as it stands.

Maulvi Muhammad Yakub: May I know, Sir, if this Report was laid before the House, and the House had an opportunity of discussing the Report?

Honourable Members: No

The Honourable Sir Bhupendra Nath Mitra: No, Sir. Well, Sir, I have nothing more to add in regard to my motion, and I move it.

Pandit Madan Mohan Malaviya: Sir, I am sorry that my Honourable friend, Sir Bhupendra Nath Mitra, has taken the narrow view that the use of the words "constitution" and "functions" here means that the very procedure which is followed in the election of members to the other departmental committees should be followed in this case also. The utmost that he could say was that there was no clear indication either way—that it did not either prescribe that the procedure shall be the same, or that the procedure shall be otherwise. That, I submit, would be a fair position to take up, but I think my Honourable friend has gone too far in asking this House to take it that the procedure by which members are to be elected has been included in the word "constitution" used there. I submit, Sir, there is reason why, if it is open to the other interpretation, the Government should accept that interpretation. We do not like, as we have shown by the last vote, to be elected to a panel out of which we are to be selected for appointment as members of any committee. I hope, so far as the popular parties consisting of the representatives of the people are concerned, we shall refuse entirely to be elected as members of any panel out of which we are to be selected for appointment to any committee. It hurts our self-respect that we should lay ourselves open to be selected out of many. I therefore think, Sir, that, having this clear indication of the view of this side of the House, the Government ought to respect this feeling. We are willing to offer co-operation where it is invited, but the co-operation should be asked on terms as honourable to this side as to the other side. If the other side thinks that, after this House has recommended a certain number of Members of this House by election, the Government Member, or some one else on behalf of Government, should still exercise his choice to weed out certain members and to pick up certain others because in his opinion some of us have greater fitness or suitability to be members of the Committee, we must thankfully decline the offer. If, on the other hand, the Members on the other side recognise that, when they want our co-operation, they must

invite it and accept it on terms honourable to us also, then we are quite willing to co-operate with them. I submit that, as there is nothing in the rules to indicate that the very procedure, which my friend presses for, has been provided, or was in the minds of those who made the recommendation, the Government ought to accept the wish of the House and respect it and ask the House to elect just that number of members as is necessary to be elected by the Assembly for sitting on the Committee in question. My Honourable friend said that it is open to the House to discuss this matter later; I do not think so. The Report itself has not been laid before the House, as I understand from the answer given just now. If it has not been laid before the House, that is a greater reason why the wishes of this House ought to be respected by the Government. If the Honourable Member does so, we shall be very glad to co-operate, on the other hand, if my Honourable friend should insist upon following the procedure which he has mentioned, then, personally speaking, I think this side of the House is not likely to co-operate with the Government in this matter.

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) Sir, I am sorry I had no opportunity of speaking on the last motion. I am afraid I am personally responsible for much of the misery that is being caused to this House and the Government by the constitution of these departmental committees. In so far as the constitution of the Roads Committee depends upon the constitution of the departmental committees, I want to say a few words, just to indicate the position of this House in regard to this matter. Sir, it was as a result of a Resolution which was moved by me in the first Assembly, I think in the year 1922, that these departmental committees came to be appointed. My motion was for elected committees of this House, to be associated with the various departments of Government for considering important departmental questions that came up from time to time. That motion of mine was stoutly opposed by the Government, and it was carried by a division of the House. So that, the decision of the House, which is on record, is that all these committees should be wholly elected by this House ("Hear, hear"). It is true no doubt that on a subsequent occasion, when I opposed the constitution of these committees, the House did not support me; but the issue then raised was quite different from the issue of the manner of the constitution of the committees. Because, on that occasion, I raised a protest against the non-utilisation by Government of these committees, and I pointed out that these committees were not functioning in the way in which they were expected to function. That was the only issue that I put before this House; and the decision of this House on that issue was against me.

Now, Sir, my Honourable friend, the Labour Member, has tried to make a distinction between the departmental committees and the Standing Finance Committee. I submit, Sir, that the Standing Finance Committee is as much a departmental committee—attached to the Finance Department—as any other departmental committee. There is no other departmental committee to the Finance Department. So far as the Public Accounts Committee is concerned, it is a statutory body. Its functions and constitution are defined in the Government of India Act and the Rules. So far as the Standing Finance Committee is concerned, it is a creature of the Government of India itself, and I do not see any reason

[Mr. K. C. Neogy.]

why a distinction should be drawn between the Standing Finance Committee and the other departmental committees in the way in which the Honourable the Labour Member has sought

Then, again, Sir, he has referred to the fact that three Members of the Congress Party are signatories to this Report, and he has drawn the conclusion that they stand committed to the principle of this mixed election and nomination. As far as I am aware, the Congress members, by their rules, are precluded from serving on such committees, because of the element of nomination involved, and so far as the Congress Party is concerned, I must say that they have consistently protested against the manner in which the Government have practically defied the decision of this House in regard to the constitution of these departmental committees. It cannot be supposed that, when the three Members of the Congress Party put their signatures to this Report, they meant to say that this Committee should be constituted in a manner which would preclude members of the Congress Party from serving on it . . .

Mr. K. Ahmed: (Rajshahi Division Muhammadan Rural) But they have got no fixed principle, have they? (Laughter.)

Mr. K. C. Neogy: I think my Honourable friend should be the last person to raise this point about any one having no fixity of principles. (Laughter.) Now, Sir, it would be opposed to common-sense to suppose that these members of the Congress Party intended to preclude themselves from serving on the proposed Committee by endorsing the manner of election which has been adopted by the Government in regard to other departmental committees.

Mr. M. R. Jayakar (Bombay City Non-Muhammadan Urban). Sir, I think that it is but fair that I should take this opportunity of making a statement to the House, as I happened to be the Chairman of that Committee, as to what matter was before the Committee when that recommendation was made. The point before the Committee then was that the representatives of this Legislature should have an opportunity of controlling the expenditure, and thereby the policy, relating to all-India roads, as mentioned in our Report. I am bound to say, in fairness to the Committee, that this specific question which has now, in this debate, assumed great importance,—whether the committee of the Central Legislature should be formed out of a panel or by direct election, by this House—was not the question before the Committee then. I will go further and say that, if our attention had been drawn at that time by those members of my Committee who represented the official point of view, to the fact that the word “departmental” necessarily meant a committee formed out of a panel and not by direct election—I say that if that point had been brought to our attention and our opinion invited on it, then—speaking for myself and for those who hold my view, there is no doubt that we would have said that we would prefer the method of direct election. I have a very clear recollection— and I think those who served with me on this Committee will bear me out—that all the while we intended to have a committee of this House similar to the Standing Finance Committee, which would control expenditure. I recognise we are bound by the implications of the word “departmental”. If the Honourable the Labour Member is absolutely sure that the word “departmental”

means only, and cannot mean anything else than, a committee selected out of a panel, then the thing stands on a different footing. But if it is not so, and the word "departmental" does not necessarily mean a committee of the description that the Honourable the Labour Member has in view, but that it can include a committee like the Standing Finance Committee of this House, then I submit, Sir, that the mere word "constitution" used in our Report does not exclude a committee elected by this House. I am, however bound to state once more before this House that this specific point of detail was never before my Committee.

***Diwan Chaman Lall** (West Punjab · Non-Muhammadan) · Mr President, I rise to support what Mr Jayakar has said. I happened to be one of the three Honourable Members mentioned by the Honourable Sir Bhupendra Nath Mitra, who, from this side of the House, represented the Congress Party on this Roads Committee. I have not, during the period that I served on that Committee, any recollection of any discussion or any suggestion being made that the members of the committee to be set up hereafter were to be selected in the manner now suggested by the Honourable Sir Bhupendra Nath Mitra. On the contrary, it had always been understood that this roads department should first of all be part and parcel of the Railway Department, and we know that the method of electing committees to the Railway Department is not the one suggested by the Honourable Member, but a different one, and it was on that basis that a committee was suggested. Furthermore, I do not know that any Member of the Roads Committee was aware that the suggestion that was put forward in those particular words, because, as Mr Jayakar has quite rightly said, if an implication of that character had been brought to the notice of the Members they would never have put their signature to the Report as it stands at the present moment. I happen to be one of the Members—and I want to correct the Honourable Sir Bhupendra Nath Mitra here—who never signed the Report, for the simple reason that it was not forwarded to me in time for me to sign it. I dare say that, if I had received the Report, I would, if the matter had been brought to my attention, have pointed the discrepancy out myself; but it is obvious that no member of the Committee that I am aware of, had the intention which is sought to be read into the wording of the Report as it stands today; and if they did not have that intention, and if their intention had been as it has been presented now by Mr Jayakar, who was the Chairman of that Committee, then is it not up to the Government to respect the wishes of the Members of the Committee which have been clearly placed before the Honourable Member, and give up the idea of selecting six out of twelve Members from this House and proceed to the election of a committee on the same lines as the election of the Standing Finance Committee? I submit that, if effective emphasis is to be laid on the recommendations of the Roads Committee, and a committee is to be chosen, then all parts of the House should be elected on that Committee. With the procedure that is now sought to be followed by the Honourable Member, it is obvious that Members on this side of the House will not be parties to any committee which is set up for the purposes of road development; and if that is so, what is the use of setting up a committee of the nature that the Honourable Member is desiring to set up? Under these circumstances I would ask him to review his

[Diwan Chaman Lall] .

decision in this matter and proceed to the election of a Committee which would be elected by the Members and not selected by the Government out of a panel to be chosen by this House

The Honourable Sir Bhupendra Nath Mitra: Sir, my friend, Mr Neogy, tried to establish the fact that the Standing Finance Committee is as much a departmental Standing Committee as any of the other committees to which I referred. My friend overlooked the fact that the Standing Finance Committee is not a Committee of the Indian Legislature, but a committee of the Legislative Assembly alone. In fact the expression which occurs . . .

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): The point is whether it is statutory

The Honourable Sir Bhupendra Nath Mitra: The words which occur in this Report are definite. The Report says " Standing Committee of the Indian Legislature " and therefore it is more in accord with the departmental committees about which we are aware, and which are formed out of a panel, for one of which my friend Mr. Bajpai, moved earlier today

Mr. K. O. Neogy: May I point out to my Honourable friend that the reason why the other House is excluded from the privilege of sending Members to the Standing Finance Committee is, I think, that the main function with which the Standing Finance Committee is concerned is in connection with the voting of funds, with which the other House has absolutely no concern. That is the only reason why the constitution of this departmental committee differs from the constitution of other departmental committees.

The Honourable Sir Bhupendra Nath Mitra: I was fully aware of what my Honourable friend has stated. But the fact remains that the Standing Finance Committee is a committee of the Legislative Assembly and not a committee of the Legislature; that is a fact.

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadan Urban): But still a departmental Committee.

The Honourable Sir Bhupendra Nath Mitra: My difficulty is this that this particular Committee, which consisted of Members of both Houses, made a specific recommendation, and I find it difficult to believe that men, responsible men, in the position of those who were Members of this Committee could not have made up their minds, or could not have expressed their opinion in clear language, unless they were persuaded to do so by the only official Member present on it

Mr. S. Srinivasa Iyengar: Does the Honourable Member contradict Mr. Jayakar's statement?

The Honourable Sir Bhupendra Nath Mitra: My friend, Mr. Jayakar, will probably be kind enough to confirm the statement that I am going to make. At an earlier stage when this difficulty was pointed out to me, I

approached him and asked him what the Committee meant. I was told that the Committee meant what they had stated there. That is all I have

Mr. M. R. Jayakar: Do the words "departmental committee" necessarily mean a committee selected from a panel?

The Honourable Sir Bhupendra Nath Mitra: It does, because the Report says, "similar in constitution and functions to other departmental committees".

Mr. M. R. Jayakar: Can it not mean a committee attached to a particular department of the Government?

The Honourable Sir Bhupendra Nath Mitra: Yes, but when it is stated to be similar in constitution and functions to other departmental standing committees

Mr. M. R. Jayakar: It does not say that the method of election will be similar

The Honourable Sir Bhupendra Nath Mitra: It says similar in constitution; and therefore it means constituted in the same way as other departmental standing committees; and the other Standing Departmental Committees are constituted by the Governor General in Council nominating Members from a panel elected by the Legislature . .

Mr. M. R. Jayakar: If that is the Honourable Member's interpretation, all I can say, on behalf of the Roads Committee once more, is that this particular point was never present to the minds of the Members who signed the Report.

The Honourable Sir Bhupendra Nath Mitra: Then my answer is that the Members should have made their point clear, as otherwise it is not possible for anybody to know what the point was in the minds of the Members. But, Sir, I am quite willing to admit that the feeling in this House may be different, and for that reason I have suggested a way out of the difficulty. I would appeal to my Honourable friend, the Leader of the Congress Party, and to my Honourable friend, Pandit Madan Mohan Malaviya, that, owing to this peculiar difficulty on this one occasion, they might agree to their Members serving on this Committee, because thereafter we shall draw up a convention, and in drawing up that convention Government will, if that is the general desire, try to modify the constitution of the Standing Committee.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I can only express my surprise, Sir, at the offer made by the Honourable Member that we should submit to an insult now on the assurance that we shall not be insulted hereafter.

Mr. President: Order, order. The question is—

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd 1 P.M. August, 1922, as amended by the Home Department Notification No. D.794-C, dated the 30th January, 1924, a panel consisting of 12 members from which 6 members of the Standing Committee to advise on matters relating to Roads will be nominated."

The Assembly divided :

AYES—46.

Abdul Aziz, Khan Bahadur Mian.
 Abdul Qaiyum, Nawab Sir Sahibzada
 Ahmed, Mr. K.
 Allison, Mr. F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, the Revd. J. C.
 Coatman, Mr. J.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Mr. J.
 Dakhan, Khan Bahadur W. M. P.
 Ghulam Kadir Khan.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Ghuznavi, Mr. A. H.
 Gidney Lieut.-Colonel H. A. J.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Jowahir Singh, Sardar Bahadur
 Sardar.

Keane, Mr. M.
 Lall, Mr. S.
 Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra-
 Nath.
 Mitter, The Honourable Sir
 Brojendra.
 Muhammad Nawaz Khan, Sardar.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rao, Mr. V. Panduranga.
 Rau, Mr. H. Shankar.
 Rau, Mr. P. R.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad
 Shillidy, Mr. J. A.
 Singh, Rai Bahadur S. N.
 Suhrawardy, Dr. A.
 Sykes, Mr. E. F.
 Webb, Mr. M.
 Wright, Mr. W. T. M.
 Yamin Khan, Mr. Muhammad
 Young, Mr. G. M.

NOES—47.

Abdoola Haroon, Haji.
 Abdul Matin Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Bhargava, Pandit Thakur Das.
 Chaman Lall, Diwan.
 Chunder, Mr. N. C.
 Das, Pandit Nilakantha
 Dutt, Mr. Amar Nath.
 Dutta, Mr. Srish Chandra.
 Farookhi, Mr. Abdul Latif Saheb
 Ghazanfar Ali Khan, Raja.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Ismail Khan, Mr. Muhammad
 Iswar Saran, Munshi.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa
 Jogiah, Mr. V. V.
 Kartar Singh, Sardar.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Rafi Ahmad
 Lahiri Chaudhury, Mr. D. K.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.

Misra, Mr. Dwarka Prasad.
 Mitra, Mr. S. C.
 Munshi, Mr. Jehangur K.
 Murtuza, Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Rahimtulla, Mr. Fazal Ibrahim.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Ranga Iyer, Mr. C. S.
 Roy, Mr. B. C.
 Roy, Mr. K. C.
 Sarda, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Rajivaranjan Prasad
 Sinha, Mr. Siddheswar Prasad.
 Yusuf Imam, Mr.

The motion was negatived.

The Honourable Sir Bhupendra Nath Mitra: May I make a statement with reference to this division that the result will be that there will be no Committee and no Members of the Legislative Assembly on the Committee.

An Honourable Member: What does it matter?

Mr. K. Ahmed: It will go to the Public Works Department then.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Is that the ruling?

Mr. K. Ahmed: That is the punishment for you.

ELECTION OF MEMBERS FOR THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. G. S. Bajpai: I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Members to sit on the Governing Body of the Central Council of Agricultural Research."

An Honourable Member: No panel?

Mr. G. S. Bajpai: There is no question of a panel at all

The motion was adopted

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE ON EMIGRATION AND THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. President: I have to inform the Members that for the purpose of election of members to the Standing Advisory Committee on Emigration, and the Governing Body of the Central Council of Agricultural Research the Assembly Office will be open to receive nominations up to 12 Noon on Wednesday, the 3rd April, 1929, and the elections, if necessary, for these Committees will be held on Friday, the 5th April, 1929. The elections, which will take place in this Chamber, will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE TRADE DISPUTES BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I beg to move:

"That the Bill to make provision for the investigation and settlement of trade disputes and for certain other proposes, as reported by the Select Committee, be taken into consideration."

In my closing speech in this House on the 11th February last, in connection with the motion to refer to a Select Committee the Trade Disputes Bill, I expressed the hope that I should be able to persuade the Select Committee, and through it this House, that provisions substantially of the nature embodied in the Bill were required to meet present conditions in

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India. It will be seen from the Report of the Select Committee that my anticipation has been realised so far as that body is concerned. The Bill, as it has emerged from the Select Committee, embodies all the principles, fundamental and supplemental, which were included in the original Bill. Certain modifications of detail have been made in the original Bill by the Select Committee. Personally I do not wholly like many of these amendments. The Bill, as it has emerged from the Select Committee, is, however, of the nature of a compromise, and I have no doubt that it will furnish us with a framework on which a more complete edifice might be built from time to time as the result of experience. It was for that reason that I decided not to put in any note of dissent to the Report of the Select Committee, and I am quite prepared to accept all the conclusions of the Select Committee, and therefore not to support on any of the amendments which I notice have been tabled in this House in connection with the Bill. Most of those amendments were fully discussed in the Select Committee and were turned down by a majority of the Select Committee. I take this opportunity of acknowledging the very considerable assistance which I, on my part, received from Members of the Select Committee who gave very careful and prolonged consideration to the original Bill. I trust that this House also will fulfil my anticipation and pass the Bill as it has emerged from the Select Committee. Sir, I move.

***Diwan Chaman Lall** (West Punjab: Non-Muhammadan): May I make an appeal to the Honourable Member? In view of the importance of the events that took place this morning, leading to the postponement of the Public Safety Bill, and in view of the fact that Honourable Members on this side of the House did not expect that this Bill would be taken up today, may I, Sir, with your permission, appeal to the Honourable Member and ask for a postponement of this discussion till tomorrow morning, with a view to giving Honourable Members on this side of the House time to consider their position and to consider their views upon the question now before the House? As far as I am personally concerned, I am quite willing to proceed with the debate, having been a member of the Select Committee, but in fairness to other Members, I think it would be only right if the Honourable Member would accede to this very reasonable request.

Mr. V. V. Jogiah (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I hope I am in order in moving my amendment now. Sir, I move that the debate be adjourned. The motion of which I have given notice is as follows:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

Before dealing with this motion, I want to submit to this House that I did not expect that this Bill would be coming up today. I thought that, in the ordinary course, the Public Safety Bill would proceed. If you, Sir, are pleased to adjourn this House till tomorrow, that will give me time for consideration. It is not possible to do justice to this subject now, but, Sir, if you are not prepared to give me time, I must go on, but I ask you. Sir, to adjourn the motion till tomorrow.

*Speech not corrected by the Honourable Member

Mr. President: The Honourable Member ~~ask~~ go on.

Mr. V. V. Jogiah: I submit, there is an inherent difficulty in dealing with this Bill in this House when the Meerut case is pending before the Courts. The conduct of the men concerned will come before this House in connection with the debate on certain parts of the Trade Disputes Bill.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): But that is under the Indian Penal Code?

Mr. V. V. Jogiah: While discussing the Public Safety Bill last September, it was stated that some of the accused such as Mr. Spratt. . . .

Mr. President: Order, order I cannot allow Honourable Members to refer to this.

Mr. V. V. Jogiah: I submit the discussion in this House will be greatly hampered if it is not allowed to discuss

Mr. President: I cannot allow the Honourable Member to refer to matters which are under adjudication in a Court of Law.

Mr. V. V. Jogiah: If that is so, Sir, it is not possible satisfactorily to discuss the Trade Disputes Bill, especially sections 15 to 20. In fact, most of the arguments, which you were pleased to advance in the case of the Public Safety Bill, apply with equal force and emphasis to the part of the Bill which deals with strikes; so that, I submit that it is not at all fair that the Government should insist upon proceeding with this Bill, when the Meerut conspiracy case is pending before a Court of Law against some of the Labour Leaders. Another aspect of the thing that I wish to place before this House is that there is soon going to be a commission called the Whitley Commission. Mr. Whitley, the President of this Commission, is a gentleman well versed in labour matters, and there will be other experts on the Commission. When this Commission is soon to be called into existence, I see no reason, Sir, why this legislation should be undertaken on important matters such as those contemplated by the Bill without giving a chance to labour to place its views before it and without having the advantage of the opinion of the Commission on this Bill. For these reasons, Sir, I move my motion.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): On a point of order, Sir. I want to know whether we shall be in order in passing clauses 15 to 20, which are so relevant to the cases now pending in the Meerut case. I ask for a ruling whether these clauses can be postponed on the same grounds as were applicable to the Public Safety Bill?

Mr. President: That does not arise on the motion before the House. The motion before the House is that the consideration of the Bill be postponed pending the report of the Whitley Commission.

The Honourable Sir Bhupendra Nath Mitra: Sir, I must definitely oppose the amendment moved by my Honourable friend Mr. Jogiah, which, as a matter of fact, was considered by the Select Committee. There is no reason why the consideration of this Bill should be postponed pending the Report of the Whitley Commission. My Honourable friend, in the course of his very short speech, did not, as a matter of fact, produce any argument. The Whitley Commission is being appointed to deal with

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quite different matters, and that was brought out in the speech of His Excellency the Viceroy in this House on the 28th January, 1929. Sir, I oppose the amendment.

Mr. President: The question is:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

The motion was negatived.

Diwan Chaman Lall: I move:

"That the Bill be re-circulated for the purpose of eliciting opinions thereon."

I think Honourable Members will bear me out when I say that I think this is the first time in the history of the labour movement in this country when we are faced with legislation of a very far-reaching character. There was one other occasion and that was the passing of the Trade Union Act. That was, I submit, a measure of technical importance, whereas this is a measure which effectively deals with the administrative changes, the activity of trade unions and trade unionists, and as such its scope is so wide and its effect so important on the whole trade union movement in this country that I think this House should proceed very warily in giving its assent or accepting the principles that underlie this Bill, and this Bill should not be passed without giving a further opportunity to the country and to the people, who are really involved in the passing of this measure, to give their opinion on the revised Bill as it comes out of the Select Committee. I submit, with due deference, to the action taken by the Honourable Member in circulating this Bill to certain particular organisations, that some very important organisations in the country, which are vitally affected by the passing of this measure, have not given their opinion in regard to the provisions of this Bill. Now that the attention of the public is centred upon the fundamental principles of this Bill, it is, I think, time that we should recirculate this Bill once again in order to find out what the country really feels about the provisions of this Bill. In my opinion there can be no doubt that the entire labour movement in this country is convinced of the necessity of the modified first portions of this Bill. It has been convinced of the necessity, for a very long time, of the first portions of this Bill relating to the settlement of trade disputes, with modifications not accepting the provisions as they are in this Bill, but with modifications of the provisions as they are now placed before the House. But that is a very different matter to the question that is broached by the Honourable Member. I want to draw the attention of the House to the Preamble, in which it is said:

"This is a Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes."

Now, I submit, that there is a technical objection which I wish to raise in regard to this Bill, that ought to be brought before the public and before the Trades Unions throughout India, and their opinion asked before we proceed with this measure. My technical objection is this. The fundamental principle which the Government intend to place before the country in regard to this Bill is the settlement of trade disputes—either the prevention of trade disputes or the settlement of trade

disputes. These words sound very innocuous indeed. But two other principles are sought to be brought into being in the provisions of this Bill, which have nothing whatsoever to do with either the prevention or the settlement of trade disputes. On the contrary, I assert, with all the authority that I can command, that if these two principles, which are embodied in this Bill in Parts II and III from clauses 16 onwards, become law, they are likely not to prevent or to settle the trade disputes, but to add to the volume of discontent in the labour world and to create more disputes than there ever have been before. In view of the far-reaching significance of this measure, and in view of the fact that these words have nothing to do with the settlement or prevention of trade disputes, and are therefore *ultra vires* of this Bill, this fact ought to be prominently brought before the notice, not only of employers' organisations, but of the public on the one side and of the Trades Unions on the other. I submit that the intention underlying this measure and the main intention of those of us, who are prepared to support the first part is that some sort of machinery should be devised for the prevention and settlement of trade disputes. But that is quite a different thing from saying that a man shall not be entitled to keep off his work and that, if he does so, he shall be punished with imprisonment for three months or fined. That is a very different thing from setting up machinery for the prevention or settlement of trade disputes. The machinery for the prevention of trade disputes, as the Honourable Member is aware, throughout the world wherever it does exist, is for an inquiry to be set up into the causes that might lead up to a dispute or the causes that have already led up to a dispute. It has no reference whatsoever to the making of a strike penal. It has no reference whatsoever to importing penal clauses into a measure expressly meant for the settlement of trade disputes and preventing workers from going on strike merely because the Government of India or the employers desired that certain classes of workers should not go on strike. As I said, this aspect of this measure is of far-reaching importance and has not been prominently brought to the notice of the Trades Union world in this country. All that has happened probably is that the Honourable Member and the Government of India have taken their cue from the passing of a similar measure in 1927 in Great Britain, I mean the British Trade Disputes and Trades Union Act of 1927. That legislation, I submit, is of an exceptional and a retaliatory character and it was passed against the trade union movement in Great Britain for the great crimes that they committed in the eyes of Great Britain for having declared a general strike. We have it on record that, when the Trade Union movement as well as the political movement in Great Britain do come into power, they are pledged to do away with this legislation from the Statute-book of Great Britain. It is, I submit, when all is said and done, a temporary measure which has been brought forth to meet a particular emergency, that is said to have arisen in British politics. No such emergency has arisen in this country, there is not even a whisper of such an emergency in this country. It may be that there are reports in the Home Department to the effect that the trade union movement in this country is heading towards a general strike. Such reports must have been sent by people who know nothing at all about the labour movement. In the labour movement in this country, I repeat again, no such emergency has arisen. There has never been, to this day, in India a general strike of the character that occurred in Great Britain. But I will go further than that. Suppose there is a

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general strike, why should there be any penal clauses in any legislation in this country preventing the workers from ceasing work? I submit again that this matter is so important that, if it is the intention of the Government to prevent trade disputes from arising in this country, then they should not proceed with any legislation, the object of which would be entirely different, namely, not prevention, but increase of disputes between the labour and capital of this country.

Now, if that is so, may I ask what objection the Honourable Member can have to postponing this Bill or to re-circulating public opinion thereon again? I can see no such emergency that has arisen in this country, which should compel the Honourable Member not to accede to the request that we are making. It was, Sir, I believe, in 1920, when there were important disputes in the City of Bombay and elsewhere in India, as the after-effects of the war, that the proposition was mooted, not by the Government, but by trade union movements in this country for some such machinery to be set up for the prevention and settlement of trade disputes. Now, the Government of India, in 1920, did not accede to this request, but when they discovered that this request had been repeated time and again in the years 1924 and 1925, they did accede in so far as to set up an inquiry into the matter. If they could have waited for five years, can they not wait for another five months? Can they not wait until the next session of the Legislative Assembly in Simla for this Bill? Where is the tremendous hurry? Is the Government of India going to be destroyed if this Bill is not passed? Or are the properties of the employers in this country going to be confiscated by the workers of this country? Is there going to be set up a revolution in this country if this Bill is not passed? What is the tremendous hurry which is prompting the Government to push this Bill through at this stage? I submit that, in the matter of legislation of this importance affecting the lives and liberties of thousands, and hundreds of thousands of workers in this country, the Government ought to give every opportunity and every chance for public opinion to be expressed upon the merits of the Bill now before the House. I have no objection to the opinions that have already been elicited, but I have a very serious objection to the fact that the issue not having been brought forcibly before the public in the past few months, the Honourable Member should push this legislation through now.

There has been a change in the situation since the time these opinions were elicited. Does not the Honourable Member intend to refer to the various factors that have brought about this change? If there has been such a sudden change, if this particular measure has come now before the public and the trade union world, is the Honourable Member not prepared to wait a few months in order to let public opinion and the trade union world express its opinion?

Mr. K. Ahmed: And what about those people killed in Bombay?

Diwan Chaman Lall: There is nothing the Honourable Member will lose, there is nothing which the Government will lose, there is nothing which the workers or employers will lose by the postponement of this Bill. On the contrary, I am of opinion that the country will gain by a further clarification of the issues that are now before us, and that the trade union

world will be in a position to concentrate its opinion on this one fundamental issue whether penal legislation of this nature should be added on to legislation whose object is entirely different, namely, the settlement of trade disputes. If that is the position, I want to put this to the Honourable Member. He may say, "The opinions are there; I have the opinions before me". But the Honourable Member knows perfectly well how sketchy those opinions are, how the very important and main issues have been tackled in a very perfunctory and cursory manner by the organisations that have dealt with them. The entire legitimate trade union world has said, "No" to the penal clauses of this measure. I think the Honourable Member will bear me out when I say that that is a correct statement?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: I repeat that the entire legitimate trade union world has said "No" to the penal clauses of this measure, and I ask the Honourable Member to deny that statement.

The Honourable Sir Bhupendra Nath Mitra: I challenge the statement as a correct representation of the facts.

Diwan Chaman Lall: I ask the Honourable Member once again if that is not a correct statement, to give me the name of one single union that is affiliated to the Trade Union Congress that has accepted the penal clauses of this Bill.

The Honourable Sir Bhupendra Nath Mitra: I do not accept the position of the Trade Union Congress as representing all trade unions in India.

Diwan Chaman Lall: The Honourable Member is perfectly well aware that, when he makes his nominations to the Geneva Convention, he does so on the recommendations of the Trade Union Congress. Does he, or does he not?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: Will he give me a single instance when he has not accepted the recommendations of the Trade Union Congress? Is he not aware of the fact that, under the Peace Treaty, he would be prevented from acting in the manner he says he has acted?

I make that statement once more, that there is not a single trade union in India that is affiliated to the Trade Union Congress, which has accepted the penal clauses of this Bill, and I challenge the Honourable Member to name a single union that is so affiliated which has accepted the penal clauses of this Bill. I wait for his reply.

The Honourable Sir Bhupendra Nath Mitra: I have already given the reply.

Diwan Chaman Lall: Honourable Members have heard the reply and they have also heard my challenge. I know perfectly well that if there had been such a trade union we would have heard the name of it. I cannot convict the Government of India of ignorance of this matter. Their information is perfect, and they know which unions have and which have not. The Trade Union Congress at their last session in Jherria went beyond the ordinary stage of protest and actually passed a Resolution that this particular measure was of so far-reaching a consequence that they suggested to

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their provincial organisations that, on the passing of this measure, they should call the workers out for a one-day strike. Is the Honourable Member prepared to listen to the warning of responsible trade unions throughout the country? After all it is a protest they are making. They are trying to get the Honourable Member to concentrate his attention upon the protest made by the trade unions of this country, in regard to the penal clauses. Will he not give a further chance to the public, in view of what has been done, to reconsider this matter? Will he not give a further chance to the organisations, even of employers, to reconsider their position, in view of the hostility of the working classes to the penal clauses of this Bill? I can see no reason for his objection, except this that we have had a series of opinions,—we have had these papers handed over to us and certain organisations have been consulted. I say that, in view of the Report of the Select Committee and the acrimonious debate that went on in the Select Committee,—in view of the new developments in the labour movement of this country, I say it is up to the Honourable Member to accede to this request to re-circulate this Bill, to agree to the proposal that the Bill should be re-circulated to elicit further opinions. I will not take the opinions of either the employers' representatives or the representatives of labour, but I would go further and take the opinion of the public upon this measure. The Honourable Member knows perfectly well that many an organisation in this country has declared its hostility to the penal clauses. Let me take the National Congress. The National Congress at Calcutta—I myself have not seen the Resolution—were absolutely opposed to the Trade Disputes Bill, and a mandate was issued to all Members to oppose this measure tooth and nail.

Mr. President: Did the Honourable Member support the reference to the Select Committee?

Diwan Chaman Lall: The Honourable Member was not in the House on that day, and if he had been here, after your ruling in the matter, he would certainly have supported the reference to Select Committee, because by a reference to the Select Committee one was not tied down to the principles laid down in Parts 2 and 3 of the Bill.

Mr. President: It was the other way about.

Is the Honourable Member going to take long?

Diwan Chaman Lall: I think so.

Mr. President: Then he had better continue after the recess.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr President in the Chair.

Diwan Chaman Lall: Before we adjourned for Lunch I was referring to the question of the opinions expressed by trade unions in this country in

regard to clause 15 and onwards in this Bill. The present Bill reminds me of a very famous remark made by an eminent gentleman named Don Carlos when he said regarding a particular convict, when he was going to be hanged, that it would be good for him. (Laughter.) That is exactly what my Honourable friend, Sir Bhupendra Nath Mitra, is trying to do with the working classes in this country by the penal clauses of this Bill. What he has attempted to do is to impose a terrible hardship upon the working classes under the mistaken idea that it will do them a great deal of good. I can quite well understand the Honourable Member accepting the first portion of the Bill and saying to the working classes, it is good for you. But in regard to the other portions of the Bill, he knows perfectly well that the entire, and I repeat it, the entire legitimate trade union movement of this country is definitely opposed to these provisions. I say, Sir, that the time has come, after the debate, that went on for several days, in the Select Committee, that the Honourable Member should once again circulate this Bill for eliciting public opinion in regard, not to the first portion only, but in regard to the second and third portions of this Bill. There are numerous changes that have been made in regard to this Bill. Let me refer to one change that was sought to be made in regard to this Bill referring to the question of picketting. Now, I notice, from the amendment papers, that have been circulated to Honourable Members, amendments have been sent in regard to picketting. Suppose that the Honourable Member, who moves an amendment to that effect, carries that through on the floor of this House, then, the House knows perfectly well that picketting was never a question referred to the trade unions or the public for the purpose of eliciting opinions thereon in regard to that particular question. Suppose it is embodied in this Bill. What would be the position? Trade unions and employers' organisations on the whole have not so far given their verdict in regard to the question of picketting. I know there are three or four employers' associations, which, when the matter was raised recently, suddenly discovered the necessity of introducing a clause in regard to picketting in this Bill, and it is because of that, that these amendments have been tabled. Suppose there is a possibility of that amendment being carried through on the floor of this House, can the Honourable Member turn round and say that that question has been adequately discussed by the public and the labour organisations in this country? What would be the fate of this Bill? Is it not necessary, therefore, that, even in regard to the question of picketting, we should re-circulate the Bill and demand further opinions from labour organisations and employers' organisations?

Mr. K. Ahmed: It is already in the minute of dissent.

Diwan Ohaman Lall: The Honourable Member is not right. He does not seem to have read either the minute of dissent or the Select Committee Report.

Mr. K. Ahmed: Read the first page.

Diwan Ohaman Lall: I am very glad to see that the Honourable Member has studied something at any rate. (Laughter.) Now, the Honourable Member in charge will, if he turns to page 167 of the paper No. 8, which is apparently a recently circulated paper, find that Mr. Turner, I.C.S., C.I.E., Secretary to the Government of Bombay, General Department, writes to the Secretary to the Government of India that he circulated

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the Bill for opinion being directed by this Government to do so. What does he say in paragraph 2? He says:

"It will be observed that all these bodies are of opinion that a clause should be added to the Trades Disputes Bill to make picketting illegal."

Now, as I said, I visualise the possibility of this particular amendment going through. The Honourable Member knows that, as the law stands in India today, picketting is not an offence under the ordinary law of the land. Picketting was declared no offence in Great Britain under the Trades Disputes Act, 1906 "so long as it was peaceful". Here in this country, all legal authorities, as far as I have been able to consult them, are agreed on this point that picketting is no offence in this country. Picketting with violence,—violence and intimidation—are an offence. Picketting without violence, or non-violent picketting is not an offence under the law. Now, if this amendment goes through, you are adding substantially a clause to this Bill which would bring in another penal law against the working classes. Has the Honourable Member consulted the working classes in regard to the question of picketting? I submit that the question we are now discussing is very very important, and it is necessary once again to bring before the forum of public opinion the questions that are involved in this Bill. Now, let me take for a moment the statement that I made before we adjourned for lunch, namely, that labour in general was not in favour of the penal clauses of this Bill. My Honourable friend over there objected to my making that statement. Now, he knows perfectly well that every important trade union in this country is definitely opposed to the penal clause. I am going now, with your permission, to refer particularly to the opinions of labour organisations in this country in regard to the penal clauses of this Bill to show the volume of opposition from the labouring classes, who had hoped, that before the Select Committee, those penal clauses would have been deleted, who had hoped that wisdom might have prevailed with the Government and that the Government would not have pressed this penal clause on the floor of this House, and who had hoped all these things would happen. In the face of all this, is it not to be expected from the Honourable Member that another opportunity should be given to these working classes in this country, whose destiny and whose fate and whose future, whose existence and whose liberty are at stake by the passing of the penal clauses of this Bill? Is it not to be expected that another opportunity should be given them to express their opinion whether they do or do not accept the penal clauses without modification, or whether they still adhere to the opinion that they will have nothing whatsoever to do with them. Further, my submission is that another opportunity should be given to the employers' association as well in view of the fact that they were not made aware at the time as to what their opinion was in regard to the particular clause regarding picketting. Now if they have an opportunity of discussing it with the working classes of the country, it may be that they may come to a different conclusion,—different to the one that they came to before these opinions were expressed. Let them have an opportunity of revising their opinions, if they so choose and let us all have a consensus of public opinion both for and against the penal clauses of this Bill.

Let me first of all take the question of Punjab Labour. Let me turn to page 22. Now the Punjab Unions which have been consulted, are the

Punjab Provincial Trade Unions Congress, the North Western Audit Railway Union, the Punjab Labour Board, the General Workers' Union, North Western Railway. I am going to say nothing about the unions that have been consulted. There is only one union which I know represents the workers in the proper sense. That is the North Western Railway Audit Union. Nevertheless let us see what these trade unions of the Punjab say in regard to the provisions of this measure. There is one body, the General Workers' Union of the North Western Railway, which does not exist. I do not know how that body came into existence for the purpose of this Bill. But, nevertheless, I challenge anybody to come forward and show me either their membership roll or their account book to prove that there is in existence a body of that nature. I say that deliberately, Sir, for this reason that it is this particular body which the Honourable Member has probably in view, which has given some sort of favourable opinion in regard to this measure. Now, Sir, ...

Mr. K. Ahmed: Why not get the opinions yourself?

Mr. President: Order, order. Diwan Chaman Lall

Diwan Chaman Lall: If the Honourable Member will only hold himself in patience, he will realise that I am not giving out my own opinion, but I am expressing the collected opinions of trades unions. The representatives of employers were consulted. What do they say? One Union says:

"As to the third part of the Bill regarding illegal strikes and lock-outs, which has been criticised generally by the labour organisations, who want clauses 16—20 to be entirely deleted, the Governor in Council suggests that the amendments proposed by the General Workers Union, North Western Railway, Lahore, though not acceptable in the form in which they have been proposed might be considered by the Government of India."

Now, I am not going to charge the Honourable Member, for he has no responsibility in this matter. But probably this Union has been brought into existence in order to get a favourable opinion on this Bill in the name of Punjab Labour. All the other Unions, what have they said? They have said that they are not in favour of these penal clauses. Take the North Western Railway Audit Union, Lahore, which is a registered Union—and I can speak from personal experience of it, it is a very valuable Union. It says:

"As far as clause 15 is concerned, the members of this Union are Railway employees directly responsible to the Auditor-General and already bound by contract with the Secretary of State for India, which provides one month's notice from both sides. This is in the case of individuals. The present clause, in the opinion of the Union, is one-sided, and gives arbitrary powers to the Government because it interferes with the freedom of the employee and places the employer in an advantageous position. Moreover, the Union thinks that it is the natural right of every worker to withdraw his labour whenever he thinks he should do so. The provision is superfluous."

As regards clause 16:

"The Audit Union entirely disagrees with it, because every strike is to some extent a hardship on the community and, moreover, the term 'Trade or Industry' is quite vague. Apart from this, there is some difference between Great Britain and this country with regard to labour, because here as already pointed out in foregoing paragraphs, the Government is the chief employer. This clause is not restrictive to a general strike only, but goes further to an ordinary sympathetic strike with one department in its various branches."

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As regards clauses 17 to 19 the Union says they are objectionable, "as they provide direct interference in the rights of the Trade Unions and are likely to relax discipline among their members".

Now, let me take another Union, the Punjab Labour Board. They say, in regard to the provisions of this Bill, that clauses 15 to 20 must be absolutely deleted. I understand the General Secretary of this Union happens to be a member nominated by the Punjab Government to represent labour interests in the Punjab Council. He said—

"Clauses 15 to 20 of the Bill must be absolutely deleted. They are entirely unacceptable to us. This Board takes the strongest possible objection to these anti-labour clauses."

That is the opinion of the Punjab. It is a reflex of the opinion of the labouring classes throughout India. Now, let me take the Madras Labour Union, and if the Honourable Member will kindly turn to page 40, he will find the objections of a meeting of the Labour Advisory Board, which was held on the 19th November 1928. There it is stated—

"Clause 15 was criticised as harsh, unfair, and one-sided. It was felt that the obligation of employers to give reasonable conditions of employment should be emphasized at the same time as the restriction upon strikes or refusal to work. On the whole, it was thought desirable to reproduce the corresponding clause (16) in the 1924 Bill with an addition making reference to a Conciliation Board compulsory in these cases, and shortening to 45 days or so, the period during which the Board's report must be awaited."

"Clauses 16 to 20 inclusive were objected to *in toto* by the majority of the Board, as being unnecessary and likely (through difficulties of interpretation, etc.) to cause much hardship to innocent, or comparatively innocuous, movements."

That is the opinion of the Advisory Board that was constituted in Madras. Let us see now what Madras labour has got to say in regard to this matter. Take the opinion of the President of the Buckingham and Carnatic Mills Employees' Union—

"With reference to clause 15 of this Bill, our Committee supports Mr. N. M. Joshi's opposition on the ground that the Bill is one-sided. Employees in the Public Utility Service must have freedom for serving or withdrawing from the service without notice. This rule No. 15 could be in existence in a place like England where the workmen have unemployment benefit. Though an employer sends away his employee by giving a month's notice or salary, it is not an adequate compensation for the hardship he is put to by losing his job."

"With reference to clause 16 of this Bill, that if a 'strike has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged', our committee opposes this clause as it is the right of every man to strike if he has any grievance without redress."

Colonel J. D. Crawford (Bengal: European): On a point of order, Sir.

Will the Honourable Member be relevant in talking about all these things on a motion for re-circulation?

3 P.M.

Mr. President: The original motion was that the Bill, as reported by the Select Committee, be taken into consideration, to which the Honourable Member has moved an amendment that the Bill be re-circulated for the purpose of eliciting further opinions thereon. I have taken both these motions together and allowed a general discussion on them.

Diwan Chaman Lal: I thank you, Sir. I cannot do better than say this: that I hope my Honourable friend Colonel Crawford will bear with me in patience, when I am placing before the Honourable Member, and before this House, the opinions of labour organisations throughout the country. Because—and I want my Honourable friend Colonel Crawford to understand me—we are attempting to pass legis'tation in regard to the working classes. Surely, their opinions have got to be considered, and we have got to know whether they consider this legislation is to their benefit or not. I want the Honourable Colonel Crawford to realise that the entire labour movement is whole-heartedly opposed to the provisions of this Bill, and it is for that reason that I am referring now to the opinions of the various labour organisations throughout the country.

Let me now take another union, the Madras and Southern Mahratta Railway Employees' Union. They say.

"With regard to the second part of the Bill, viz., clause 15, we very strongly object to the same. This makes illegal not only strikes but even cessation of service by a single individual without notice. The safeguard requiring the sanction of Government for prosecution under this section is of very little value in Railways where the Government are themselves the employers."

"The third part of the Bill dealing with sympathetic strikes is most reactionary and is bound to be vehemently opposed. It penalises sympathetic strikes."

This is the opinion of Madras Labour. The President of the Madras Corporation also was asked to give his opinion, and he said that:

"The definition of public utility service is a very dangerous one and Government is constituted the sole authority for deciding which other industry or undertaking shall be included. This, we believe, will be placing too much power in the hands of Government Departments that may not be and cannot in the nature of things be expected to take a dispassionate view. We agree with the strong criticism that has been passed in respect of clause 15, viz., that employers who will send away workmen with or without giving a month's notice, are not held criminally liable. In case both sides are brought under the criminal provisions of clause 15, we believe that the ordinary magistrates of the first class or a Presidency Magistrate should not be empowered to try such cases. We should have men taken from the rank of public men to inquire into and try such cases. We have no confidence that justice would be done by the subordinate judiciary in cases where labour interests clash with those of capitalists and Government."

But the most important of these opinions comes, in my view, from Bombay, because Bombay is the chief centre of industrial organisation in this country. It has been repeatedly stated that labour organisations in that City oppose whole-heartedly these penal clauses, and I want just to quote very briefly some of the opinions that have been elicited from Eom-bay. If the Honourable Member will turn to page 71, he will find, first of all, the opinion of the Bombay Municipal Workmen's Union: They say.

"The second portion, Public Utility Services, my committee takes special objection to this portion. Apart from the fact that it is definitely anti-working class and anti-trade union, it is designed to operate only against the worker and to take away from him the right to strike."

"The third portion, illegal strikes and lock-outs. The word 'lock-out' here might easily be dropped, because this clause appears only to apply to strikes; it is designed to prevent one section of workers coming to the assistance of another section of workers, who may be in dispute;"

"In short my committee has come to the decision that this Bill, as a whole, must be vigorously opposed as a repressive measure and demands that the Government stop encroaching on the already meagre rights that the workers of India today possess."

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Now, Sir, let me take the opinion of the Indian Seamen's Union, Bombay: it says:

"My Union is of opinion that clause 14 is not conceived in the best interest either of industry or workers. Democracy has come to stay in India and it is a natural right of any person before any inquiry, to be represented by a legal practitioner, and no restrictions should be created limiting this right. My Union completely disagrees with the principles underlying clauses 15 to 20."

Take the opinion of the Bombay Textile Labour Union, a very important union in Bombay. It says:

"My Union, however, strongly objects to the clauses 15 and 16, since they have been so worded as to make the position of workers legally more unsafe."

Take the Municipal Sweepers' Union, Karachi. It says:

"Regarding clauses 16 to 20, which follow closely the British Trade Disputes and Trade Unions' Act, our Union very strongly feels that sympathetic strikes are an inevitable necessity of labour for safeguarding the conditions of work and life of weak brethren of their community and whatever may be said to the contrary, these provisions do seek to make such sympathetic strikes illegal. . . . We therefore strongly oppose clauses 16 to 20 and would urge that the same be also deleted."

The opinion of the Bombay Dock Workers' Union is that:

"Clause 14 is not conceived in the best interest either of industry or workers. . . . My Union completely disagrees with the principles underlying clauses 15 to 20. Clause 15 is clearly not intended against a sudden strike, either special or general, in public utility services, but any person who ceases to work voluntarily for any reason is made liable to be punished either by fine or imprisonment."

The Mill-Workers' Union, Bombay, says

"As regards part III, they are firmly of opinion that clauses 15 to 20 must be totally deleted."

The Honorary General Secretary, Great Indian Peninsula Railway Staff Union, Sholapur, says:

"Section 15 and the rest of the sections following will work a great hardship on the labour and, therefore, they are unacceptable"

The Bombay Presidency Postal and Railway Mail Service Association are of the same opinion.

The National Union of Railwaymen is an Anglo-Indian Union, and I think I will leave Colonel Gidney to deal with this Union. I am sorry to find he is not in the House, but I cannot expect any popular views from a Union of that kind. I do not know what it is, but it certainly is a union of the superior staff.

The Professional Motor Drivers' Union, Bombay, strongly condemns clauses 15, 16, 17, 18, 19 and 20, which the Committee believes entrust arbitrary powers to the employers. They therefore urge that the above clauses should be totally omitted.

The Press Workers' Union, Bombay, says:

"The second portion, Public Utility Services, my Union takes special objection to this portion apart from the fact that it is definitely anti-working class and anti-trade union, it is designed to operate only against the worker and to take away from him the right to strike. . . . Clauses 15 to 20 must therefore be deleted."

Mr. K. Ahmed: We have a'l got copies of these opinions and read them; you do not want to read them all.

Diwan Chaman Lal: I am very pleased to find that, after all, my Honourable friend, Mr K. Ahmed, has read something and been satisfied. (Laughter.) I want, not only Mr. K. Ahmed, to be satisfied, but I want my Honourable friend, the Labour Member, also to be satisfied. Now, let me take the opinion of the Bengal Trades Union Federation; the Honourable Member wi'l find it at page 145.

The Honourable Sir Bhupendra Nath Mitra: May I say this, that I have had the pleasure of reading all these opinions and of studying them for the purpose of considering the provisions of the Bill in Select Committee?

Diwan Chaman Lal: I am very sorry, Sir, to find that all that has been infructuous. The Honourable Member has not been affected at all by the opinions that he has read, and because he has not been affected by the written word, I want to see if he can possibly be affected by the spoken word. Now, the Bengal Trades Union Federation have definitely declared.

"In view of the stringent conditions attached to strikes in public utility services, the list should have been exhaustive and the executive should not have been vested with such wide discretion as to include any other industry, business or undertaking in the list by giving only three months' notice . . . clause 16 of the Bill, which declares certain strikes illegal, is extremely reactionary as it seeks to put restrictions on the right of the workers to strike."

Now, Sir, these are the various opinions that have been elicited—apart from the opinion of the Kankinara Union, which has a history of its own, and the General Workers' Union of the Punjab, which has a history of its own also. It is best to drop a discreet curtain over the history of these two Unions. There is no responsible trade union in this country which has supported the measure which the Honourable Member is seeking to foist upon this country. Why is he seeking to do it, and why can he not wait, as I have said, for a few months and bring this measure up again before the Legislative Assembly next session? What is the urgent necessity? Can the Honourable Member convince anybody on the floor of this House, except of course those who are bound to vote one way or the other on all occasions—can he convince me—and I am prepared to be convinced, and I say that if the Honourable Member can convince me now I say that I shall ask for special permission to vote with him in his lobby, if he can convince me that there is any such urgent necessity to compel him to bring in this measure now and get it passed in this session without waiting any further? The Honourable Member knows perfectly well that there is no such necessity. If there were such a necessity, we would have heard this argument in favour of the Bill, but no such necessity was shown. Perhaps it might have been possible for the Honourable Member to have made out a case, as my Honourable friend the Home Member made out a case, for the Public Safety Bill in Simla, when the matter was first broached. But then the question was whether society was going to collapse if that measure was not passed. I think the Honourable Member has not taken that line of action; he does not contend that the social

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fabric in this country is going to collapse all of a sudden like a house of cards if the measure that he is bringing forward before the House is not given effect to. Then what is the necessity? I can understand the necessity if there was such a danger to the State, a danger to the public, danger to the safety of the working classes or even, let me admit, danger to the employers in this country. If that were so, we would have seen the Honourable Member come to this House and say, "Unless you give me these powers, I shall not be responsible for the public safety and peace of this country". But on the contrary, I find that this is a routine measure that the Honourable Member is bringing forward, a measure which will probably never be put in force, except when the Government intend to go in for a repressive policy. Take the case of the measure that was passed in Great Britain. I believe there was only one case under that new Trade Union Act of 1927, and in that case the Trade Union involved ignored it with contempt and did not participate in the proceedings. If it is unnecessary even in a country like Great Britain, which has been actually faced with a general strike, what is the necessity in a country like India, which has never so far been faced with a general strike? Is it a part of the Honourable Member's case that there is danger of a general strike in this country? If that is so, no Member on the floor of this House has heard one word of evidence to prove that there is any such danger. Is it part of his case that the public peace will be endangered if the measure is not passed? If so, not one of us has heard one word to prove that there is the slightest danger from any source whatsoever to the public peace. And if that is so, I do ask the Honourable Member, in all fairness to the working classes, whose representatives are not to be found on the floor of this House,—I ask him in all fairness to the working classes whether it is right that we should go over their heads and get this measure through this session, without giving them a further opportunity and giving the public a further opportunity of listening to the arguments that have been advanced on the other side, and of seeing the changes that have been made in the Bill by the Select Committee and of taking stock of the situation as it faces us today.

There are matters that I cannot refer to. I wish I were in a position to refer to them; and the Honourable Member knows perfectly well that, if I were to be in a position to refer to those matters, I could give a few more arguments, which would convince him, or which ought to convince him—I have no hope that they will convince him—but certainly which ought to convince him, that there is no urgency whatever for this measure to go through this session. May I ask him to review the history of other countries and to find out that, wherever action has been taken in other countries, there have been at least certain representatives of the working classes, who could voice their opinions and sentiments? Here, we are peculiarly situated. There is not one single Member on the floor of this House who represents the working classes. Is it too much to ask the Honourable Member therefore to give the working classes another chance to consider and reconsider the provisions of this measure, and with public opinion behind them, to come to him and say: "Nobody in India wants this measure, not even the capitalists are eager and anxious about this measure"—as I will show to the Honourable Member in a minute—Indian capitalists at any rate. It is but to be expected that power which is going to

be given to the employer in this country under the provisions of this Bill is a power which is desirable for their purpose, and it would be no strange thing if the employers in this country were favourable to this measure. But I say, give the employees a chance, give the general public a chance. to convince the employer that such reactionary penal clauses as are embodied in a Bill whose purpose is to settle or prevent trade disputes should never be incorporated in this measure. Give them a chance to convince the Honourable Member that such penal clauses should not be incorporated in a Bill of this character. He is quite welcome to have the first part of the Bill, with its amendments, passed here, but he has no business to come to this House and demand that the second and third clauses also be passed.

Now, Sir, the Honourable Member knows perfectly well that the Indian Chamber of Commerce, at Calcutta, have expressed an opinion unfavourable to the penal clauses. I am sorry I do not find the representative of the Indian Chamber of Commerce here today, but I think the Honourable Member will agree with me that, when that Chamber says that, if such tremendous powers are given to the Government, they may utilise them in a reactionary manner, he should listen to the warning of the Indian employers. Sir, in this country we are very much averse to any sort of reactionary proposals that may be brought in by the Government, because we know from bitter experience, that in the past, they have militated against a fair and just settlement as between the employer and the employee. We know for a fact that the Government have utilised reactionary powers of this nature in order to oppress, in many instances, the working classes. Take the case of section 144. How many times has not section 144 been used in order to prevent the working classes from holding their meetings in a legitimate trade dispute? I myself have been the victim on more occasions than one of section 144 when it was utilised against me in order to prevent me from holding a legitimate trade union meeting. How can we expect the Government, when they are armed with this power, to use it against the working classes fairly and justly? Therefore, my point is this. I am asking the Honourable Member to be fair to the working classes. Give them one more chance to mobilise public opinion behind them in order to show that these reactionary proposals that have been copied from the British Act cannot justifiably be placed on the Statute-book of this country, because there is no necessity, there is no reason, there is no justice behind them. I therefore appeal finally to the House not to be led away by the fact, that because the Honourable Member in charge has moved this particular motion on the floor of this House, it is absolutely necessary to carry the measure in this session. It would be much better if the Honourable Member were to split up the whole Bill into three different Bills. Let us have the first Bill with the modifications in it, and we are prepared to accept it, because it is a Bill which really matters, the preamble of which says that it is intended for the prevention and settlement of trade disputes. Let him postpone the other measures, and the only way in which he can do so is to give the public and the trade union movement a chance of mobilising public opinion and expressing it in no uncertain terms in order to convince the Honourable Member that he would, by passing this measure, be doing a grave injustice to the working classes of this country.

Sir Darcy Lindsay (Bengal: European): Sir, it is a little difficult to follow my Honourable friend, as he has gone over such a wide field, first of all in dealing with his amendment to re-circulate the Bill, and then in entering into a long discourse on really whether the Bill should be taken into consideration. Now, Sir, I only propose to deal with the question as to whether the Bill should be re-circulated. I argue, Sir, that my Honourable friend, in the points he has brought forward, has brought them forward at a wrong time. The arguments that he tries to adduce should have been strongly pressed when the question was before the House as to whether the Bill should be committed to the Select Committee or not. It is very unfair, Sir, to the Select Committee at this stage, after they laboured hard and endeavoured to meet the views of the House and made certain important amendments to the Bill, to call for a re-circulation in order that the changes they have made should be further discussed by the country at large. I should think that my Honourable friend, in the many opinions that he has quoted this afternoon, is satisfied in his own mind that the country at large has had ample opportunity for considering this measure, and therefore there is no necessity for re-circulation. I may say, Sir, that, in the Select Committee, a motion was moved at the conclusion of our proceedings that in the changes that were effected . . .

Mr. President: Order, order. The Honourable Member is not in order in referring to what happened in the Select Committee unless it has found a place in the Report itself.

Sir Darcy Lindsay: I bow to your ruling, Sir. The only other reference to the Select Committee that I would like to make is the one which arises from a remark of my friend. He referred to the acrimonious debates that took place in the Select Committee. Now, Sir, I, as Chairman of the Committee, can assure you and the House generally, that there were no acrimonious debates, and I have never had the pleasure or the honour of sitting on a Committee where there was a better feeling. And even my Honourable friend, Sir, will confirm what I say, that we gave him the utmost opportunity to put forward his views, and the Committee listened to him with the greatest attention.

Another point to which my Honourable friend referred this afternoon was in reference to the penal clauses, and he indicated that these penal clauses were entirely new to India. Now, Sir, he knows, and I think all the Members of this House know . . .

Diwan Chaman Lall: I did not say that they were entirely new to India.

Sir Darcy Lindsay: I think all Honourable Members of this House know that some of the services that are included under the penal clauses are already dealt with in like manner and penal clauses more severe than those which have been proposed in this Bill; so it is not a new matter to India.

My Honourable friend also referred to the sketchy opinions that had been obtained when the Bill was first circulated. He did not seem to consider the opinions sketchy this afternoon, when he took up a lot of

the time of the House in reading them out. Sir, I maintain that the Government have given the public every opportunity for considering this question and there is no necessity for re-circulating the Bill.

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural). Sir, I rise to support the motion for re-circulation, and my reasons are briefly these. I am not going to support this motion simply because it is a dilatory motion, that is to say, a motion calculated to gain time. There is nobody here in whose favour time is to be gained. Government seem to be determined, on their side, to sit it out and finish the business, and I for one, I may say, have come back from my place now to sit the Bill out and to finish it if I may with my presence and vote. But I am supporting this motion, not because it is dilatory, but if we gain time, that little delay might help us in better judging of the merits of the Bill that is before us. I think my Honourable friend Mr. Chaman Lall has made out a very strong case on the ground that the opinion of the workers themselves has not been adequately and fully consulted. Of course, we have got, in the papers embodying the opinions on the Bill, a number of opinions from people who are not so vitally and directly concerned with trade disputes. Occasionally we find references here and there to an opinion expressed by some one who was more or less directly or distantly connected with trade disputes, but the bulk of the opinions contained in these papers are from people who are not directly concerned with trade disputes, and there are not very many opinions coming from people who are directly affected by this Bill and who directly suffer in these disputes, namely, the workers themselves.

But, Sir, I stand to support this motion on a special plea, which perhaps might appeal to this House in another view. I am referring to the Report of the Bombay Strike Inquiry Committee of 1928-29, which I have got in my hand. I am not quite sure whether other Members of this House have got copies of this Report. Probably I have got it, along with other Members who represent the Bombay Presidency in this House, but the other Members of the Assembly, who do not belong to the Bombay Presidency, have not got copies of it in their hands. My Honourable friend, Mr. Aney, says they have not even heard of the Report. (*An Honourable Member*: "They have.") Perhaps they have heard of the Report but they have not got copies of it in their hands. If they are supplied with copies of this Report, they will get enough material, if they seriously apply their minds to the Report, to decide upon some of the questions which are now contained in the first part as well as the second part of the Bill. There are two main questions involved in this Bill,—the machinery to be set up to settle disputes, that is one, and the second is the penal clauses which are calculated to put a certain pressure upon the workers not to go on strike, etc. In my humble opinion this Report contains very valuable material, almost invaluable material for a man to give his judgment to bring his judgment to bear upon both these aspects of the question of trade disputes. At page 170 the Committee themselves put on record what value they attach to this Report and the labour they have spent upon it. In paragraph 10 the Committee say as follows:

"We have endeavoured to deal comprehensively, and at the same time concisely, with all the wide points that are involved in the questions referred to us for opinion, but we are conscious that we may have failed to notice in our Report some of the arguments raised before us. It would, however, have made it unduly long to deal with

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everything that was discussed at our sittings, and we believe we have dealt with all the important points. We hope our Report will be of utility—"

I want the House to listen to these words—

"We hope our Report will be of utility, not only to the millowners and the workers and their representatives, but also to Government and the public in aiding them to form a proper opinion upon the disputes, which led to this Inquiry."

It may be said that this particular Report refers to disputes arising out of one particular section of industry, namely, the mill industry. I quite see the force of that argument, but my reply to that would be, if you go over the points of dispute raised in this particular inquiry, the evidence taken in this inquiry, and the statements of complaints and the manner of removing those complaints, as stated in this inquiry, they will offer material which will be very useful for other people dealing with disputes in other industries also. Just to illustrate my point, I would read out some of the grievances which were discussed by this Committee and upon which judgment has been passed by the Committee, and the House will see that they are practically common to all industries, whether the industry concerns itself with mill textiles, or whether it is an iron industry, or some other industry. For, after all, trade disputes arise out of particular elements of human nature, which are common not only to the textile industry but to all industries. Go to the Tata's Steel Works, go to the mining area where you have got so many disputes, go to the mill industry. In all you will find that the nature of the dispute is the same, the causes are practically the same, and the manner of dealing effectively with such disputes will always be the same, because all these are dependent upon human nature, which we know, is common not only throughout all parts of India but, if I may say so, throughout the world. Therefore, the evidence which is embodied in this particular volume will be fully relevant and will also throw very great enlightenment upon the manner of settling trade disputes in other industries also. In this Trade Disputes Bill we are not certainly dealing with one section of industry. There are services of public utility and so on and so on, and yet I maintain that the elements of dispute and the manner generally of solving them will be practically the same, because human nature is the same whatever the industry or the province in which those disputes occur.

Look at some of the grievances that were put forward before this Committee and which were dealt with by them, and you will at once find that there is a family likeness practically between the grievances put forward here and the grievances which you are, in any circumstances, likely to meet with in other departments and in other disputes in other parts of India.

"Direct cut in wages; reduction in monthly earnings owing to the following indirect causes :

Introduction of new varieties of cloth at rates which did not bring the level of wages to those earned on the production of the old sorts. . ."

In reading these, I am sometimes using a substitute word in order to make their application general. I am reading these sections *mutatis mutandis*.

"Reduction of piece-rates to meet unanticipated high production by individual operatives

Adjustments in rates made to bring them in line with the rates prevailing in other industries or departments.

No adjustments made to increase rates in cases where mills went on finer counts.

Introduction of artificial silk and inferior raw material.

Gradual withdrawal of bonuses, such as good attendance and efficiency bonus, free railway passes to workers, etc.

Introduction of a method of paying wages on the weight of the cloth after it had undergone a subsequent process, instead of on the actual weight produced on the looms.

Introduction of new methods of work, involving a reduction in the number of operatives employed, notably in some mills, and the fear of the spread of this system to other mills in the city.

The increase in the hours of work of mechanics in some mills from 8½ hours to 10 hours per day, and the declaration of a general intention to level up the hours of work for all mill operatives in all mills to 10 hours per day.

In addition to the above, there were several minor grievances in connection with the infliction of fines, dismissals, the practice of handing over spoilt cloth to the weavers in lieu of wages, etc. It would, we think, serve no useful purpose to go at length into the exact causes of the General Strike, or to attempt to apportion blame for it on either side. There were no doubt various contributory causes. . . . "

But the very statement that there were contributory causes on both sides brings me back to my particular plea or contention that the elements underlying any dispute anywhere in India are elements arising from human nature itself, and therefore must be regarded as eternal. Therefore, anybody who wants to sit in judgment upon the merits of a Bill dealing with trade disputes cannot very well afford to go without the assistance of the various useful materials contained in the present Report. I think Government should have voluntarily postponed the consideration of this Bill in view of this Report, if not of the coming of the Whitley Commission. I personally consider that it is a legitimate ground for demanding the postponement of the consideration of this Bill, because there is a good Commission coming and it is expected to go into all matters thoroughly. Why should Government be in a hurry? What is lost by Government or anybody if the Bill is postponed, in view of the coming of the Whitley Commission? But apart from the Whitley Commission, we have in this Report very useful material noted down and commented upon by a very responsible Committee, among the members of which there was one High Court Judge, and full and patient hearing was admittedly given to both sides of the textile dispute in Bombay. Therefore I say, here is very useful matter which we cannot afford—I for one cannot afford—to lose, and although I have got a copy of the Report, I cannot say that I have gone through the whole Report because I only recently received it. I want time to read the Report and make use of the material here.

Now there is one thing in particular which will be of great use in bringing our minds to bear upon the Report and it is this question of the eternal human nature. Before the Report came out, there were a number of strikes in 1927 and 1928. The Report was not there and the Committee was not there. The disputes came to an end somehow. It was not a regular "settlement", and it would be interesting to this House to know how general strikes ended before this Report and before this Committee was appointed. I have not the actual figures but about 25 strikes are noted here, some of which took place in 1927 and some in 1928; and looking at the column of results, I find that, except in one

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case, in which the strike ended in a compromise, the Commission notes that the strikes ended in favour of the employers. Now it is difficult for me, as a third party, to understand how about 25 strikes should have all ended in success for the employers when there was so much to be said on the side of the workers also. In this respect I have omitted to mention one other strike, about which it is said that it was merged into the general strike, and the result of course was not definitely known. Now, what I wish to observe about these 25 strikes, in which there was success uniformly on the side of the employers, is that sufficient pressure was not brought to bear upon the employers. In this connection I would like to read just a few words from page 2 of the Report, in which it is admitted that justice was, to a certain extent, on the side of the workers also; that it was not uniformly on the side of the employers, as would be the impression if you go over this column to which I have made a reference. The Committee give a general history of the strikes and then they say—

"To all intents and purposes the strike was a lightning strike, and, to use the words of the *Labour Gazette* for May, 1928, at page 752, 'owing to the strenuous propaganda carried on by certain labour leaders in favour of a general strike by holding mass meetings and intimidating the operatives in the working mills, the number of mills closed began to increase steadily from the 23rd, and by the 26th all the cotton mills in Bombay except one had to be closed and nearly 1½ lakhs of textile workers were thrown out of employment'."

Now, this *Labour Gazette* practically makes it out that the whole blame for this general strike was on the side of the workers, and not on the employers, but I am glad to find that the Committee has taken a somewhat impartial view of this matter and, after giving this extract from the *Labour Gazette*, the Committee says:

"This however should not be taken to mean that the men had no grievances. Had it been otherwise it would not have been possible for a handful of men to keep so many workers on strike for a period amounting very nearly to six months."

Now, that shows that there can be two sides to a fight, and just as there is some right on the side of the employers, you should expect that there should be some justice on the side of the workers also. Therefore I again come back to the Report and say that it embodies a number of useful things. The second part of the volume contains the evidence of about 106 witnesses, and if there is to be a comparison between the evidence recorded by these witnesses and the opinions which Government have received in these papers, I have no hesitation in saying that the opinions of these 106 persons who stood cross examination before this judicial committee must have immensely superior value attached to them by any impartially minded man.

Now, I have referred to 17 grievances, and my point was that the grievances would be the same in all industries. The decisions arrived at by this Committee, apart from the evidence recorded in this Report, are also very useful, and there are also specific decisions and results with reference to each particular grievance which was the cause of the strike. That also is very useful. All this material would be useful in order to enable us to decide whether lightning strikes were justifiable before or not. Supposing the workers had justice entirely on their side,

why should they not be entitled to go on lightning strikes? These poor workers have nobody to befriend them, and they are pitted face to face with powerful employers. If justice is entirely on the side of the workers, why should they not use the only method that they have got in their hand—of going on a general and lightning strike? Therefore a perusal of this Report would give an insight to us to judge how far the measures proposed in the present Bill are justifiable or are not justifiable.

Now, I would like to mention another point. The point has been raised as to why Government should be in a hurry with this Bill. I am going to give you the reason for this. Neither the employers nor the employees are, at this particular moment, in a hurry to proceed with this Bill. Here is Mr. Chaman Lall, speaking for the labour world, and the absence of my friend Sir Purshotamdas Thakurdas in his place is evidence enough to show that the employers do not care that this particular Bill should go through immediately. If he were anxious, as an employer, to proceed with this Bill, he would have been present at his place. I do not think it will be denied that Sir Purshotamdas Thakurdas is a great employer himself.

An Honourable Member: He has paired

Mr. N. C. Kelkar: He would not have paired if he had thought this Bill to be of such importance. Therefore, I maintain that it is clear evidence of the fact that the employers do not want to proceed with the Bill. Here is Divan Chaman Lall speaking on behalf of the workers, and he also does not want to proceed with the Bill. Therefore, the only party which is in a hurry to proceed with this Bill is the Government. I will give you the reasons for their hurry. It has been admitted by the Member in charge that the present Bill is based upon the English Act. Now that Act was passed, as the Members will remember, after the general strike of 1926 in England. In my last speech on the Public Safety Bill I dealt with this point and pointed out that it was Sir John Simon who played mischief with regard to the general strike, by using his little agile legal finger and throwing the whole burden on the shoulders of the workers. The Labour Party was afraid, at that time, to cope with judicial decisions against them in a matter like this, because the trade union funds were in jeopardy. That was the reason why the general strike was called off. It was not called off because there were no merits on the side of the workers. Now, what happened after that was that the Conservative Government came forward with this Bill, and passed it in spite of the opposition, tooth and nail, by the Labour Party. That is the point to be remembered. If my memory serves me aright the leaders of the Labour Party, though they did not advise a general strike like that, still opposed this Bill in Parliament. In fact, they vowed that, if they again came into power, they would repeal and do away with the Act. I ask the House to rivet its mind on this declaration by the members of the Labour Party in Parliament. The significance is this: and it will also clear the position as to why the Government is in a hurry. The general election is coming on in May next. Who knows that the Labour Party may not come into power? And who knows that, if they do come into power, they may not make up their mind and apply their energies to this Act? Immediately they come into power, they will make themselves responsible, I fancy, for introducing a Bill for repealing the present Act. Now, Government knows this very well, as

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well as we do. So, they are proceeding in a hurry with this Bill as the Labour Party may come into power and do away with the present general strikes Act, on which the present Bill is based. If that happens, and supposing this Bill were postponed till September and the Labour Party succeeds in doing away with the present law on the Statute-book, the whole of this Bill will fall to the ground. Government, therefore, are in a hurry. (*Applause from the Swarajist Benches.*) Therefore, my point is this, that neither do the workers want to proceed with this Bill, nor do the employers want to proceed with it; it is only the Government who want to proceed with it for the particular reason I have just mentioned. Even if it is only for that malicious end, I will oppose the Bill and support the dilatory motion.

Again, I will deal with this Report in a constructive spirit and not in a destructive spirit. If the Government wants us, the Members of the Assembly, to apply our minds in a judicial frame of mind to the merits of the Bill, they ought to give us time to read this Report and to know its contents. You should supply us with the copies of the Report and postpone this measure till the September session, when the Bill will be considered on its own merits. That is all I have to say in support of the motion. I have touched both aspects of the case, even if it is regarded as a dilatory motion or otherwise.

Mr. Ram Narayan Singh (Chota Nagpur Division. Non-Muhammadan) Sir, this Trade Disputes Bill is equally important with the so-called Public Safety Bill and therefore it requires serious consideration of the Members of the House. Sir, we were under the impression that the Public Safety Bill would take two or three days as it is a very important measure, and the Trade Disputes Bill would be taken after that, but to our pleasant surprise it has been postponed, and it would be much better if it could be postponed for good. Sir, everybody knows that there are some industrial troubles in the country, and besides these troubles there are other kinds of troubles too all over the country. But the Government do not know how to deal with the situation. The Government have been behaving like a mad cat.

Mr. President: Order, order. Honourable Members must use dignified language in this House.

Mr. Ram Narayan Singh: If the expression used by me is unparliamentary, I withdraw it. What I wish to convey to the House is this, that Government are thinking of this measure and that measure, but they are not thinking of the right measure. My Honourable friend, Mr. Chaman Lall, has already quoted several opinions to show that no labour union has supported the Bill. I think the right measure to take is to take into confidence the people's representatives and the representatives of the Trade Union Congress, and in consultation with them, Government should try to find out the ways and means for putting an end to these troubles. When my friend, Mr. Chaman Lall, was quoting the opinions, my Honourable friend, Sir Bhupendra Nath Mitra, said that he had read all the opinions supplied to him. But I say that he has uselessly read them. What is the use of reading them if he is not convinced by them? Sir Darcy Lindsay said that he could not follow my friend, Mr. Chaman Lall. How could he follow him when their angles of vision differ? Sir Darcy Lindsay is one of

those men who want to exploit the Indian labour and my friend, Mr. Chaman Lall, is one of those who want to prevent the exploitation. How can the two pull on together?

The proposal now is that the Bill be re-circulated for eliciting public opinion thereon. The Bill was already referred to the Select Committee. It was good of us, the Members of the Congress Party, that we allowed it to go before the Select Committee. Not only that, we consented to be members of that Committee. If you will look at their Report, you will see that out of 19 members of the Select Committee 9 members were against it. Sir Darcy Lindsay said that the Select Committee had laboured a lot. What labour have they done? The Bill has been supported only by those members who are Government members and by those members who are generally the supporters of Government. As there is no harm in postponing the consideration of the Bill, I think it will be wise on the part of the Government to accept the motion. With these words, Sir, I support the motion moved by Mr Chaman Lall.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural). Sir, the principle underlying the provision of law which enables a Bill to be re-circulated, for the purpose of obtaining public opinion thereon, seems to be, that if a Bill has undergone substantial changes and alterations in the Select Committee and has emerged in quite a different form it may be re-circulated. For instance, the Bill which was introduced by my Honourable friend, Rai Sahib Harbilas Sarda, about penalising early marriages. That Bill had undergone substantial changes in the Select Committee and it was therefore right and proper that a motion for circulation should be moved in order to elicit public opinion. If the changes to which a Bill is subjected in Select Committee are such that the public has not had an opportunity to express an opinion on, then and then alone it is right that the Bill should be re-circulated for public opinion, but if the Bill has not undergone such substantial changes and alterations in Select Committee, then I do not think that the Bill should again be circulated and public opinion be invited.

Going into the Report of the Select Committee on this Bill, we find that the Bill has not undergone such substantial changes. In fact the Select Committee itself did not consider it proper that the Bill should be re-circulated. In the end of their Report they clearly say—

“We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.”

A perusal of this Report also shows that some Honourable Members have appended to the Report Minutes of Dissent. In these Minutes of Dissent we also find that none of the Honourable Members have recommended the re-circulation of the Bill.

(An Honourable Member interrupted at this point, but the interruption was inaudible at the Reporters' table.)

He may have moved it now. It might have been an afterthought, but when he had an opportunity of writing his note of dissent calmly sitting in his room, he did not consider it proper to make a recommendation of this nature.

The Bill has already gone through the stage of the Select Committee and there seems to be no reason why the special procedure of re-circulation should be adopted at this stage. There is no question of hurrying the Bill. All the stages of a Bill prior to consideration have been gone through and

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the natural course is that the Bill should be taken into consideration. I don't think if the Government move that the Bill should be taken into consideration at this stage, the Government want to hurry the Bill.

My Honourable friend, Mr. Kelkar, has referred to the chances of the Labour Party coming into power at the next election, and probably he thinks, if the Labour Party come into power, they will alter the English Act on the model of which the present Bill has been drafted. But my Honourable friend has already seen the attitude of the Labour Party towards Indian problems when they were in office for a short time. It was then that the Bengal Regulation came into existence, so that we have no reason to believe that, if the Labour Party come into power they will help us at all.

Mr. N. O. Kelkar: They will not do anything for India, but they will repeal their own Act.

Maulvi Muhammad Yakub: They may do whatever they like for England but I don't think they will change their attitude towards Indian questions from what it was when they were in office. This argument, therefore, has no weight.

For these reasons I consider that there is no necessity that the Bill should be re-circulated.

Mr. M. S. Aney (Berar Representative): Sir, my Honourable friend, 4 P.M. Sir Darcy Lindsay, in his short speech, in opposing the motion, remarked that my Honourable friend, Diwan Chaman Lall; was rather late in bringing this motion; and that he should have presented all his arguments at the time when the motion for referring the Bill to Select Committee was made. The motion is for re-circulation of the Bill for eliciting public opinion thereon, and I believe that under the Standing Orders, a motion for re-circulation like this can only be made *after* the Select Committee's Report is made and not *before*. There is nothing illegal about it. I of course understand what Sir Darcy Lindsay meant to say. He wanted to urge that the bringing of this motion at this stage was unfair to the Members of the Select Committee who had laboured hard in preparing their Report.

Those who have read this Report of the Select Committee cannot but be struck with the number of dissenting minutes appended to it. With regard to the most controversial part of this Bill, we find 7 or 8 dissenting minutes appended. When we find that responsible Members of this Committee have sat together and deliberated over the matter for days together and taken as much time as they possibly could, and yet they could not come to some reasonable understanding about the most controversial part of the Bill, it evidently means that the subject requires to be considered further and more seriously and that those who are vitally concerned must also be consulted and be given an opportunity of having their say on the points at issue. If we well-informed men even could not come to any agreement on certain points that affect the labour of the country, then it is only fair that labour itself should have an opportunity of considering the opinion of the Select Committee, which is by no means a unanimous opinion of the body, but only an opinion of a fraction of those Members who constituted the Select Committee. Had the Report been one of a unanimous nature or at any rate, of the overwhelming majority of the Committee, it would

have been quite a different matter. And that is the reason why I think that my friend, Diwan Chaman Lall, was right in insisting upon this House re-circulating the Bill to elicit public opinion thereon. I think that, under such circumstances, it is neither unfair to the Members of the Select Committee who recommended the Report, nor to those who appended Minutes of Dissent.

A second point which, in my opinion, is also very important was made out by my friend, Mr. Kelkar, and I think that it also requires to be seriously considered. What, after all, is it that Diwan Chaman Lall wants this House to do? He wants this Bill to be sent back for public opinion. It is virtually asking this House, after a careful perusal of the Report, to review the decision it had taken when the Bill was submitted to Select Committee for consideration, owing to the discovery of an important document which deals with the very questions which are sought to be settled by the present Bill before actual passing of the same. A document of that nature has come into existence now. Mr. Kelkar, who happened to have a copy of it, has gone partly through that document, and he says that, after perusal of only a part of that document, he finds that most of the points which ought to be properly understood by Members of this House have been very carefully considered by a committee appointed by the Bombay Government, and it is possible for Members of this House to find some very useful material for forming their judgment on the very issues which this Bill wants to settle. It is a well known rule of civil procedure—I don't know whether my Honourable friend, Sir Bhupendra Nath Mitra, has had at any time during his service the advantage of working as a judicial officer—but I desire to submit to him it is a well known rule that, even in the case of judgments which have got finality about them and are incapable of being reconsidered, ordinarily, whenever a new and important document bearing on the facts in issue which could not be available with due diligence before has been discovered, that is considered a strong ground for reviewing or reconsidering the previous decision, or remanding the case for a fresh decision.

Now we are only asking you to send back this Bill. The Public and this House also should have some reasonable time to consider and review the conclusions of the Select Committee in the light of the recommendations made by another important Committee appointed by the Bombay Government. It is an eminently reasonable case for reviewing the decisions of the Select Committee, and that can only be done if we get a reasonable time to go through that document and understand the conclusions therein and try to apply those conclusions to the particular issues which this Bill aims at solving and settling in a particular manner. So, these are the reasons, I find, on which the demand for re-circulation of this Bill for eliciting public opinion thereon appears to be eminently reasonable, and I do not think that the Government are going to lose anything at all by giving some more time to the Members of this House to consider this question coolly with the help of the additional material. It will certainly be on the other hand, a source of enabling the Honourable Members to study the question better and thereby help the Government also in solving the intricate questions which the Government want them to solve now and immediately. The Honourable Sir Bhupendra Nath Mitra has not, in the speech made today, given us very strong reasons for proceeding with this Bill now at this very moment. He has brought in this motion in the ordinary course after the Select Committee has finished its labours. But as there was going to be

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a motion for a reasonable demand of this nature which he certainly must have anticipated from the amendment on the agenda of which he had ample notice, it was expected that the Honourable Member would refer to that point in his speech and give us some very strong reasons for proceeding with the Bill immediately, and not allowing it to be delayed by sending it back for eliciting public opinion thereon. He virtually gave us no reasons of that kind, and we could therefore imagine no other reasons to exist, except such as my ingenious friend, Mr Kelkar, tried to place before this House. If they are the only reasons—and certainly there can be no other reasons for immediately dealing with this Bill, then I say, without hesitation, that this House must also seriously consider whether the Government will be justified in proceeding, or whether we shall be justified in allowing the Government to proceed with the measure immediately. If the reason, as my Honourable friend, Mr. Kelkar, put it very pithily, is nothing more than an apprehension, that a little delay might probably mean the loss of this Bill altogether to the Government in the next session owing to a possible change of Government in England during the few months to come, then I believe it is a very strong reason for this House also to insist upon sending this Bill back to the public for eliciting their opinion, and to give those who are vitally concerned one more opportunity to consider the conclusions which are being arrived at by the Select Committee, and to express their opinions thereon and enable this House to judge of the merits of this case in the light of such opinions as may be expressed by the country hereafter, and also in view of the conclusions arrived at in the Report of the other Committee to which my Honourable friend, Mr. Kelkar, had already referred. For these reasons I strongly support the motion of my Honourable friend Diwan Chaman Lall.

Mr. Jamnadas M. Mehta: (Bombay City Non-Muhammadan Urban). Sir, I rise to oppose the motion for taking this Bill into consideration and to support the motion for re-circulation made by my Honourable friend, Diwan Chaman Lall. I am sorry that the Deputy President thinks that, because the Select Committee had given sufficient time and a long time to the consideration of the Bill, that in itself is a sufficient reason for not re-circulating the Bill.

Maulvi Muhammad Yakub: I did not say so

Mr. Jamnadas M. Mehta: I am glad he did not say that, but still he opposed the motion for re-circulation. If the House will turn to the signatories of the Report of the Select Committee, the House will find that nobody is interested in the carrying of this Bill today or in this session through the Legislature, not even the Government. I find, Sir, that out of nearly 17 or 18 Members who have signed the Select Committee's Report, nearly 8 Members are absent. They did not even care to know what the fate of the Bill might be, either one way or the other. Of the remaining Members four or five are definitely here to plead for re-circulation of the Bill. Out of the remaining four, my Honourable friend Mr. Fazal Ibrahim Rahimtulla is not satisfied with the Bill as it is. He wants that the picketting clause should be there, and that is a very great and important ground for re-circulating the measure. I am sure that, as for the official Members, and their other supporters, the Honourable Member in charge confessed, on the floor of this House, that he was not

satisfied with the changes that had been made in the Select Committee and it was only out of sheer necessity that he was not opposing them, although he does not like the Bill. If that is the case, I want to know who is for the Bill as it is. Not one person has risen and said that he likes the Bill as it stands. I think the motion of my Honourable friend, Diwan Chaman Lall, is the only right amendment, namely, that the public should be given a further opportunity to pronounce itself upon the merits or the demerits of this measure, before it can be brought forward in this House for final decision and disposal. For these reasons, I think there is a complete case for re-circulation of the measure. As regards the consideration of the Bill itself, I think the House should refuse consideration to this Bill on account of the reasons that I am going to mention. The Preamble to the Bill says:

"Whereas it is expedient to make provision for the investigation and settlement of trade disputes and for certain other purposes"

Now, Sir, "certain other purposes", under the rules of interpretation, should be such as are on a line with the previous sentence, namely the making of provision for the investigation and settlement of trade disputes. The other provisions also should be such that they will settle trade disputes, instead of fomenting them. But unfortunately for this Bill, there are clauses and provisions in the Bill which are calculated precisely to undo what the previous clauses are intended to do. If clauses 1 to 14 are intended to conciliate and to investigate, clauses 15 and onwards are definitely calculated to prevent any settlement and to foment discontent and bitterness and to prolong the agony of quarrels between employers and the employed. It is extraordinary that these two contradictory provisions should be jumbled together in a single Bill and the consent of the House should be asked upon it. They are entirely discordant and the want of homogeneity in the Bill is so patent that the House will be justified in simply sending it back for eliciting public opinion.

Apart from that discordant note in the Bill itself, the provisions of the Bill are very far-reaching and very reactionary, and are calculated to defeat the object which the Bill has in view, or which it professes to have in view. Take, for instance, the definition of what is called, "The public utility services". Now, Sir, I have found, greatly to my regret, that the phrase, "public utility service" has been entirely misconceived. A "public utility service" is ordinarily understood to be a service in which profiteering should be prevented. When we talk of public utility service, we mean that those services are such wherein, at any rate, private profiteering should be excused or profiteering should be eliminated or kept down to a minimum level. That is the meaning of a public utility service; for instance, the supply of gas or electricity or a tramway service or a railway service or any transport service, or any service in which the public at large have an interest. Therefore, in the interests of the public, profiteering in such cases alone should be eliminated, or at any rate rendered as low as possible. That is the meaning of public utility service. When we talk of a service as a public utility service, we generally mean that legislation should be so arranged that the public will be mulcted as little as possible in the actual carrying out of that service. That is the meaning of public utility service. It is therefore wrong to use that definition for the purpose of making or passing a piece of legislation in which you want to make a strike illegal and criminal. There is nothing in common between these two ideas, and there is a real misconception of the

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term, "public utility service". There is an entire misconception of the scope of a public utility service from the point of view of profiteering and from the point of view of making a strike therein criminal or illegal. It is the confusion of these two ideas that has led to the present Bill. I want the House to clearly keep in mind these two broad and important distinctions in the public utility services—that is from the point of view of profiteering and from the point of view of making a strike therein illegal and criminal. I shall explain the position very clearly, Sir, in order that the House may not have any shadow of a doubt that this legislation is based on misconception. For instance, Sir, take the case of a tramway company. A tramway company is a public utility service. It is a service which is very convenient and comfortable to the people in the ordinary routine of life. Therefore, when municipalities allow a private company to run a tramway service, the municipality is expected to take care that the tramway service does not degenerate into a profiteering concern and does not raise the rates and fares for the passengers to such a high level that the transport in the city or in that particular area results in profiteering to the private investor. Therefore we find that six per cent. or five per cent. or eight per cent. is made the limit of interest which a public utility service can allow its investors to draw. But that is entirely a different idea from making a strike in that service a criminal thing. If you want to prevent profiteering; I certainly appreciate it; but if you want to make a strike in that service criminal or illegal, I refuse to follow you. Why should a tramway service, for instance, be considered so vital to the existence of society that a strike in that service should be considered criminal? What is there in it? I do not think, in the Select Committee, any answer was attempted to be given or any explanation was attempted to be given in regard to this differentiation between a public utility service from the point of view of profiteering and from the point of view of making a strike therein illegal or criminal. And that is the question which still remains unanswered, that you cannot treat a service as a public utility service both for the purpose of preventing profiteering and for the purpose of making a strike therein illegal or criminal. You may legitimately prevent profiteering in a public utility service, but it is not just for you to try to prevent a strike in that service by making it illegal or criminal. The tramway service, as I said, is a service from which the public derives great comfort and convenience. But why should the tramway men be obliged to serve in a tramway company on pain of being clapped into jail for striking without notice?

The Honourable Sir Bhupendra Nath Mitra: I do not want to interrupt the Honourable Member; but I shall be grateful if he will point out to me that the definition of the term "public utility service" includes the tramway service.

Mr. Jamnadas M. Mehta: I am simply taking an example, Sir. I shall take the railway as an example if you like. Take the railway service, for instance, the Frontier Mail service of the Bombay, Baroda and Central India Railway. Nobody, unless he is moonstruck, will say that a strike on that railway, particularly with regard to the Frontier Mail, should be treated as criminal. What is the utility, what is the public utility, of the Frontier Mail? Perhaps it is this: that a few American globe-trotters

coming every Saturday to Bombay, go in spacious and luxurious saloons with big corridors, and luxuriously furnished compartments, in which they travel. And if there is a strike in that service, this legislation will come to the assistance of the Government, and enable them to launch a prosecution. What is the public utility of the Frontier Mail, I ask? Let the Honourable Member tell me the utility of the Frontier Mail which induces him to treat a strike in that service as a criminal affair?

The Honourable Sir Bhupendra Nath Mitra: There is sufficient public utility in all railways in general, and it is not possible to discriminate one line from another. We discussed that point with the Honourable Member in full in the Select Committee.

Mr. Jamnadas M. Mehta: We discussed it to no purpose; you could not deny that the "Frontier Mail service" is not mainly intended for the globe-trotters' excursions in which the tourists or the pleasure-seekers could go jaunting across the country. And you want the House to believe that the jaunting about of these pleasure-seekers should be made so invulnerable and sacred that people striking in that service should do so only at the peril of their liberty.

Mr. President: Has the Honourable Member travelled by that train?

Mr. Jamnadas M. Mehta: I have travelled in that train, Sir, but I do not want any strike in that service to be made illegal or criminal. Although we travel there in great comfort and convenience and pleasure, I do not wish that any strike there should be made criminal or illegal. I would regard myself as a criminal if I wanted to make a striker on that service a criminal. It may be a pleasant and a convenient and a comfortable journey, it may be a very nice thing; but I deny that that service can, by any stretch of imagination, be considered such a great public utility service that a strike there should be made illegal or criminal. Well, Sir, I certainly fail to see, and I am sure the Honourable Sir Bhupendra Nath Mitra failed to satisfy me, that a strike in that service can, by any stretch of imagination, be treated as criminal. Why should a wage-earner, if he has a serious grievance, if he has been suffering long and continuously, if he strikes work without giving notice, what justification is there for treating that humble individual as a criminal? Is it to be because you have included in the definition of a public utility service a railway service? Similarly, there is the telephone service, there is the telegraph service, there is the postal service. What is the utility in all these services which should make you treat the strikers in these services as criminals? It is true the postal service is very convenient to the people; true it is that because of the telegraph service, you receive news quickly from your relations and friends; so also in the postal service, you have got so many conveniences, you receive your letters, newspapers, etc., in good time; there is also the telephone service, and in cases of urgent necessity you can ring up immediately—true, those are all modern amenities of life which we all welcome and appreciate. But I think it argues a complete misconception of the organisation of society to suggest that, because these things cater to our conveniences and pleasures, therefore the human beings engaged in those services shall not strike, even if they have a grievance. I think such a conception is most primitive and savage and cannot but result in making bond-slaves of workmen in these services. And the House should be the last to countenance any such attempt on the part of the Government. That is my main objection to

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consideration of this Bill on account of this grievous flaw in the definition of public utility services. What the Honourable Member in charge really meant, I think, and what everybody will agree with him if he really meant it, is that strikes should be made impossible in such services as are vital to the existence of society. That is what he really means or ought to mean: There is the water-supply service; there is the light service and suchlike services, without which society cannot ordinarily keep together. In such services I entirely agree with him, and everybody will agree with him, that no individual should be allowed to have any interest against society. That is a proposition which I understand and which I appreciate and which I entirely support—that a service in which the very existence of society is threatened, the very normal life of humanity is interfered with, or is challenged, say, the water-supply, I do not care what the grievances of the workmen may be—they should not cut the water-supply of a community because society will be crushed as a result. But, Sir, do you want the railway service with the same intensity with which you want water? (*An Honourable Member*: “Yes.”) I admire your courage if you think that water-supply and railway travel stand on the same footing. I do not think so myself. . . .

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Are you going to travel on foot from here to Bombay?

Mr. Jamnadas M. Mehta: Even if I did not want to do that, I do not want that a man should be made a criminal for my convenience. What Honourable Members who support this Bill forget is this, that these things are comforts, conveniences, pleasures, luxuries; but they are no more vital than the telephone or a typewriter for the matter of that. I do not want to put the railway service on a greater footing than a typewriter. It is a convenience and nothing more. It writes quicker and the railway takes you quicker—that is all. But the water-supply, the light service, the milk supply, the sanitary service, these are things which are absolutely necessary to human existence, and therefore a strike in these services must be prevented legitimately. . . .

Sir Darcy Lindsay: Would the Honourable Member throw some light on the subject as to why light is a necessity?

Mr. Jamnadas M. Mehta: Because without light my friend will grope in darkness.

Sir Darcy Lindsay: I am willing to grope in darkness.

Mr. Jamnadas M. Mehta: I think it is obvious that, without light, everybody must grope in the darkness: we cannot carry on our ordinary, normal human existence. I do say, Sir, this misconception, this confusion of a public utility service with what are really social security services is at the bottom of this Bill, and makes the Bill mischievous and entirely unacceptable; and the judgment of Honourable gentlemen is so much warped by the pleasure and comforts that they have enjoyed, that they forget that water-supply and sanitary services cannot be placed on the same footing as telephones or telegraphs. They do differ. The difference is vital and fundamental. Of course it is no use arguing with people who cannot appreciate the difference between social security services and public utility services; and therefore unless the Honourable Member in charge is prepared to stick only to those services which are vital to the existence

of humanity and to nothing more, he cannot possibly have our support. Clause 15 runs as follows :

"Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike, or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both."

Sir, here comes the real objection. If you really think that these so-called public utility services should be discouraged, by all means try to do so. But why make them criminal? There is the legal remedy. If there is a breach of contract, you can always sue for damages. Why should you brand the striker further as a criminal? Sir, some of us by sheer force of habit come to regard workers as our bond-slaves. They think that the rest of mankind is born simply to administer to their pleasures and their wants, and to look after themselves only after these pleasures and luxuries are satisfied. It is this fatal mentality, this wrong conception of human relations, this entirely reactionary idea about the mutual obligations of mankind in society, it is this perverted notion of what workers should be treated like that has led to this Bill, and particularly clause 15 and subsequent clauses. You must disabuse your minds of this, that because a man is your servant, he is therefore bound to be your slave. Unless you do that, you will regard clause 15 as ordinary and natural; but if you regard your fellow human being as entitled to equal rights and equal opportunities of doing good to himself and to his family, to work or not to work as he likes or not, unless you bring to bear that kind of mentality, it is impossible for society to retain the respect of those who are today trying to bring social justice into our present perverted social system.

But, Sir, let us take it for granted that Government are right. I have already submitted that it is entirely unnecessary, it is entirely wrong, unjust and iniquitous to treat strikers in these so-called public utility services as criminals—I say it is entirely wrong and we should not do so; but supposing you regard that it is necessary, even then, this clause 15 is entirely unnecessary. Justice Wort of the Patna High Court has clearly said, in the opinions which have been received in the course of circulation, that in section 43, read with section 120(a) of the Indian Penal Code, you have a complete protection against such strikes. Why do you want this Bill at all? Sir, the punishments that are provided in the Indian Penal Code are even more rigorous and more stern—not that I agree that this should be so, but Justice Wort points out that you have no case for fresh legislation.

Mr. K. Ahmed: What about the conciliation boards for settlement?

Mr. Jamnadas M. Mehta: Then the difference between clause 15 and the conciliation boards in earlier clauses is as fundamental as that between heaven and hell; and if you confuse clause 15 with the earlier clauses, I cannot argue with you. It shows a complete misconception or ignorance of the Bill that is now before the House (*Mr. K. Ahmed:* "Hear, hear".) Clause 15 makes certain strikes illegal and criminal and Justice Wort says that it is entirely unnecessary for you to do so, because section 43 and section 120(a), read together, will amount to a complete protection against any such strikes because they will amount to a conspiracy to do an illegal thing, and therefore criminal.

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For all these reasons, Sir,—firstly, that it is absolutely iniquitous to make strikes in the so-called public utility services criminal; secondly, that, even if you think that they should be made illegal, they should be confined not to the so-called public utility services, but only to such services as are indispensable to the existence of humanity; and thirdly, that, under the Indian Penal Code, they are already illegal, and rigorous punishment is provided—more rigorous than you need—and therefore for all these reasons, clause 15, at any rate, is entirely unnecessary and should therefore be deleted.

Then, Sir, I shall come to clause 16, because even more objectionable than clause 15 is clause 16. No doubt, in the Select Committee, some slight amendment has been made, and, to that extent, the rigour of that clause, has been slightly softened. But that does not touch the real objection to the clause as it stands. The real objection to the clause is that it takes within its purview political propaganda; it wants to discourage political propaganda under the garb of suppressing what are called general or sympathetic strikes. I ask, Sir, why should a measure calculated to promote the settlement of industrial strikes take into account political propaganda or political agitation and try to kill political propaganda under the ostensible garb of settling or preventing trade disputes? That is a fatal objection to clause 16. Sir, if you will read clause 16, the object behind it will be perfectly clear. It says this:

"A strike or a lock-out shall be illegal which (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Now, is there anything in this which suggests even remotely, anything about industrial disputes? And yet, in a Bill which is supposed to settle industrial strikes, clauses are included which are calculated to touch matters which are entirely non-industrial. Why should that be done? If you want these clauses, better include them in your Public Safety Bill, because their object is patently political. "Anything which is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action". Sir, supposing we want to compel the Government to take a particular course of action: supposing we want that the detenus under Regulation III of 1818 shall be released. Now, it will be admitted that this Regulation III of 1818 is a most barbarous and primitive measure. It was put into force at a time when conditions in India were not settled. It was not intended that a civilised Government should apply such a Regulation in times of peace, nearly 110 years after that Regulation was passed, and yet everybody knows, innocent young men in their scores and dozens have been taken away from their homes and clapped into jail in Mandalay or kept under confinement in solitary cells, in prolonged illness, until some of them have gone mad; some of them have become invalids for life, others have died, and homes have been broken and families have been ruined. You have barbarous measures on the Statute-book, which you put into force for the curtailment of public liberty. Now, supposing we want, as a national protest, to organise the workers, to organise society and to organise public opinion against your use of these barbarous and despotic

measures,—and it would be our honourable and most sacred duty to do so, to organise a national strike against the continued use of this barbarous and despotic measure. I mean the Regulation III of 1818,—supposing we want to do that, what will you say? You will come down on the workers under section 16 if this measure becomes law. Supposing we strike in Calcutta and Bombay and elsewhere; supposing we organise a strike of all workers, a strike of dhobies, strikes of tramway men, or strikes of any other industries like the telephone services, postal services, and so on, (*An Honourable Member from the Muslim Party*: “Strikes of scavengers”), simply to compel you to discontinue the use of Regulation III of 1818, you will say that these strikes are calculated or designed to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take or abstain from taking any particular course of action. Therefore, you will treat them as general strikes or as what you call sympathetic strikes, illegal strikes, and make them punishable.

Is this House going to countenance a measure of this character, which is calculated to kill all political agitation? If the nation takes up a movement to make it impossible for Government to use some of their archaic and despotic powers, you will come forward with this Act and then say that this House has passed it, and you will clap thousands of men into jails simply because they have assisted in the enforcement of the fundamental and elementary right. I ask the Honourable Member in charge to say whether this Bill is calculated to do this or whether it is not. Can he deny that this is the only and inevitable result that will follow? He cannot. If an agitation is taken up by the Indian National Congress for the purpose of preventing the use of Regulation III of 1818, will you not come down upon us, under this Bill, if it becomes law? I say Sir, you will be entitled, under this Bill, if it becomes an Act, to come down upon all organisers and all those who participate in such a movement. The Honourable the Law Member will not deny that Government will be entitled, under this Act, if it becomes law, to come down upon the strikers and demonstrators on the ground that they inflict severe, general and prolonged hardship upon the community and compel Government to take, or abstain from taking, any particular course of action.

Mr. K. Ahmed: Government will be justified in doing so.

Mr. Jamnadas M. Mehta: It is a pity any fellow Indian should think that Regulation III of 1818 should be allowed to be used to crush a propaganda of the kind I am describing.

Mr. K. Ahmed: Against the demonstrators.

Mr. Jamnadas M. Mehta: Why should it be used against the demonstrators or against anybody? I say that the use of Regulation III of 1818 will continue unabated if this clause 16 is made part of this Bill, and therefore I offer the most determined opposition to it. Take the arrest of a man like Mahatma Gandhi. Supposing you arrest him or any man on a trumped up or frivolous charge of burning cloth. Supposing you continue to do that on a large scale; supposing public opinion thinks that this is wrong and improper, and supposing a strike of mill workers or tramway workers takes place, then clause 16 will come into operation. Strikes for

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objects which are not industrial and which are calculated to compel Government to take a particular course of action shall come under the ban of this measure and make people who participate in these strikes, criminals, liable to be clapped into jail. Therefore, Sir, the political object behind this Bill comes out in all vividness, in all nakedness, and I hope every Honourable Member, who values the personal liberty of his fellowmen, the personal liberty of the subject, and everybody who is against the use of these arbitrary powers and archaic measures of the kind I have described, will put his foot down on clause 16 and also on the other clauses of the same kind. *

Then, Sir, there is a third objection to clause 16, which I wish to bring to the notice of this House. The protagonists of this Bill have told us that the object of this Bill is to promote a healthy growth of the trade union movement in this country. Now, Sir, their words are at entire variance with their deeds. Clause 16 and the other clauses give the direct lie to the professions of anxiety for the healthy development of trade unions in this country. Can any trade union of a healthy kind foster or grow or develop under conditions which are imposed by clause 15 or clause 16? A healthy trade union is made impossible. This clause 16 is simply a copy of a similar provision in the Trade Disputes Act, 1927, of England. If it could result in the healthy growth of trade unions in England, it was not necessary because trade unions are developed to perfection there, and yet in England a measure of this kind is passed because these trade unions have become a great eyesore to the powers that be. Therefore the legislation of 1927 has been enacted in England for the purpose of putting down trade unions, and not for the purpose of helping the growth or fostering the growth of the trade union movement—for the putting down of trade unions because they become unpleasant to the political imperialists and capitalists. The whole Labour Party were against it, even those who were against the general strike, even men like Mr Ramsay Macdonald. Mr. Ramsay Macdonald at that time was not in England when the Bill was before the House of Commons. He rushed from across the American continent,—I think he had gone to America at the time. He was an invalid, and yet he was brought to the House of Commons for the purpose of showing that every Labour Member, to a man, was deadly opposed to that attempt of the Government there to interfere with the solidarity of the trade union movement in England. Can it be said that this clause 16 can have the result of fostering the healthy growth of the trade union movement when the entire labour movement in England refused to take it as a healthy thing for the labour movement over there? And as has been pointed out again and again, it has been the avowed object of the Labour Party in England, declared in no ambiguous terms, that the moment the Labour Party comes into power it shall be amongst its first objects to annul and to remove from the Statute-book such a great blemish on legislation. Sir, clauses 15 and 16 and other cognate clauses are political in their aim, political in their purpose, and have nothing to do with the healthy growth of trade unions, or with the settlement of trade disputes, or with anything that has any real organic connection with industries or labour as such; they are wholly extraneous and exotic things with ulterior objects.

Apart from this, there is an essential inherent injustice in some of these clauses, even on the footing that the Bill itself is a necessity. For

instance, it has been provided that the sanction of the Government must be necessary before any action can be taken under clause 15, the idea being that there should be no hasty action, nor any ill-considered false step. That is all right. So far as any action against a worker is concerned, I think it is a healthy provision that, unless the Government sanction the prosecution, there should be no action possible. Against the undue zeal and hurry of the employers this is a healthy precaution. But what about the circumstances where some action against an employer is to be taken? Under this Bill, amongst the employers, figure the various Government departments, Postal, Telegraph, Telephone, the Railway Department, and so on

Mr. President: Order, order. I desire to know how long the Honourable Member will take.

Mr. Jamnadas M. Mehta: Sir, I am fairly half way through my speech.

Mr. President: The Honourable Member is not in a position to finish by five o'clock?

Mr. Jamnadas M. Mehta: Then, Sir, there is this clause that when an employer is to be put in the dock, the sanction of the Government must be obtained. That is certain to stand in the way because amongst the employers are, as I said, the Postal Department, the Telegraph Department, the Telephone Department, the railway services. And the railway services are such a huge organisation, seven lakhs of people or even more are employed by the various railway services. The oppression and tyranny of the petty officials over these poor ill-paid people are notorious, and whenever they have a grievance, unless the Government sanction the prosecution, no Court can take cognisance of it. Now, I ask whether it is possible to expect that any sanction will be forthcoming for the prosecution of Government officers when the poor workmen of a trade union in a railway service are the aggrieved party. Is it possible, I ask in all earnestness, that Sir Bhupendra Nath Mitra will sanction the prosecution of a Postmaster-General, or the Director General of Telegraphs, or whether the Honourable Sir George Rainy will sanction the prosecution of Mr. Hayman or Mr. Rau or the Agent of the various railways? Is it conceivable? And yet you pretend that you have treated the employers and the employed on the same footing. You say you are treating strikes and lock-outs on an equal footing. You are the person to sanction prosecution. You are the person to be prosecuted. Is it human, is it even rational to expect that you will sanction your own prosecution? You may try to persuade Honourable Members behind you, but no man outside those Benches will accept your proposition that, when you are to be prosecuted, and you are to sanction the prosecution, you will easily sanction it

The Honourable Sir Bhupendra Nath Mitra: I am not to be prosecuted.

Mr. Jamnadas M. Mehta: What I mean to say is your subordinates, the various Government Departments are to come under this Bill. If you really mean that illegal lock-outs should be treated as criminal, if you really mean that, you must provide such a method for bringing home to these delinquents their own faults and shortcomings and then it should be possible to reach them by an honest, earnest and genuine effort. Otherwise you are giving a right by one hand and taking it away by another. For instance, it was suggested in the Select Committee that if an employer was a Government servant—I will assume that against a private employer—the Government would easily give sanction

Mr. President: Order, order. The Honourable Member is treading now on delicate ground. He is referring to something which happened in the Select Committee.

Mr. Jamnadas M. Mehta: It is already mentioned in the minutes of dissent, and it is also mentioned in the Report. A whole paragraph has been devoted by the Select Committee to this point. Sir, I was saying that I would assume that Government would give permission to prosecute a private employer. There again I have serious doubts. If it happens to be the Assam tea planter or the European jute manufacturer or any important interests which are so dear to Government, then, in the case of illegal lock-outs, any sanction from Government is a thing which is next to impossible. But I will assume that in the case of the private employer the necessary sanction will be forthcoming in a proper case, although it is a great admission. But if it is a Government department like the Railway or the Telegraph or the Telephone, or the Post, I say that sanction is absolutely impossible to obtain unless you provide it by a more simple and a more direct method. Therefore we had suggested that, if any trade union figures in a dispute, and any illegal lock-out is complained of, if that trade union, by holding an extraordinary meeting, comes to the conclusion, by a majority of three-fourths, that the prosecution of the employers should be launched, and if that extraordinary Resolution is confirmed by another extraordinary meeting of the same trade union, then sanction should be deemed to have been obtained. That is what we have proposed in the Select Committee.

Now, Sir, if these unorganised or helpless workers, who are just beginning to learn their rights, are to be given the real right to prosecute an illegal lock-out by an employer, that should be a real right. It should not be a mere farce. It should be such as is tangible, which he can handle and easily put into force and therefore a provision of the kind that we suggested, namely, that an extraordinary Resolution of a trade union affected by a trade dispute or lock-out, confirmed by another extraordinary Resolution should be sufficient to give the sanction requisite under this Bill. That was denied. Further, a great injustice is done to the trade unions by protecting what is called blacklegging. We have brought it out in the minute of dissent where we say that the protection given to blacklegs in clause 17 amounts to an improper interference with the internal administration of trade unions, because the idea is to protect this man by compelling the trade unions to continue him still as a member. If the trade union is going to be treated as a really autonomous organisation, where the powers of management of its own organisation and funds is to be unhampered by any extraneous influence, this kind of right should not be conferred on a blackleg for the purpose of forcing himself on a trade union when he is not wanted by the majority of his own colleagues. That cannot lead to a settlement of trade disputes. It cannot lead to fewer strikes . . .

Mr. President: Perhaps the Honourable Member would like to continue tomorrow morning.

Mr. Jamnadas M. Mehta: Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 3rd April, 1929.

